

# Popular Government

*March 1957*



*Activities of the Forest Law Enforcement School*

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## COVER

*Our cover this month depicts a number of the activities of students attending the Second Annual Forest Law Enforcement School held at the Institute of Government January 21-25. These scenes reveal part of the process of learning investigative techniques. For complete information on the school, see the accompanying story on page 20 of this issue.*



# THE CLEARINGHOUSE

## Institute for Civil Service Commissioners Held in February

Approximately 25 representatives of civil service commissions throughout the state attended the Institute for Civil Service Commissioners held at the Institute of Government on February 13.

Dr. Dorothy C. Adkins, chairman of the Psychology Department of the University of North Carolina, addressed the group in a morning session on "What Is a Good Oral Examination?"

Donald B. Hayman, assistant director of the Institute of Government, was in charge of the meeting. He conducted sessions on the role of the civil service commission and how hearings should be conducted.

The final session of the day was devoted to questions and answers. The meeting was designed to allow civil service commissioners and their secretaries to become better acquainted and to broaden their understanding of mutual problems.

Those attending were Mayor George A. Covington, T. E. Hinson, Robert D. Davis, N. M. Harrison, J. E. Horney, M. A. Jones, Tom J. Kearns, Joseph F. Snider, and Jess Washburn, all of High Point; R. P. Fisher, Mrs. J. Ross Jones, John A. Kelley, A. T. Moore, Clif E. Rankin, M. M. Smith, V. F. Talley, and Henry M. Tyson, all of Fayetteville; C. T. Brown and R. B. Whitlock of Charlotte; Mrs. Ruth B. Cowan and William R. Cook of Greensboro; Quay Smith of Spencer; W. H. Reich of Winston-Salem; and Paul W. Wager of Chapel Hill.

## County Commissioners Attend School

A two-day school for county commissioners was held by the Institute of Government on January 17 and 18. Around 75 county officials from almost one-third of the state's counties attended the school. The subject matter was designed for newly elected county commissioners, and one-third of the new commissioners taking office in December attended. In addition, a number of commissioners with many years of service were present, along with several county accountants and county attorneys.

Again this year, as it did in 1955, the weather hindered attendance. Snow the night before the school was scheduled to open, and snow and freezing rain on the morning of January 17, prevented many commissioners who had planned to attend from coming.

Haywood and Northampton counties led the attendance list, with all county commissioners present. Vance County was next, with four out of five commissioners present. Alamance, Brunswick, Burke, Robeson, and Rowan had a majority present; and Catawba, Nash, and Rockingham had three officials present.

Schools, welfare, taxes, and budgets made up the bulk of the discussion. The first afternoon was devoted to a discussion of public schools and tax listing and assessing. That evening the discussion centered around public welfare programs and the role of county commissioners in those programs. The second day was devoted to a discussion of budgets, sources of revenue, and tax collection.

On Thursday evening, Dal L. Alford, Jr., president of the State As-

sociation of County Commissioners, spoke on the work of the Association and the Association's legislative program which is to be presented to the 1957 General Assembly.

## Property Tax Notes Teaching Tax Listers

If newspaper publicity does any good, there is reason to look forward to substantially increased property listings for county and municipal taxation this year. Virtually every paper was filled with tax listing warnings and instructions in late December and early January.

The most significant development was the marked increase in the number of counties holding instruction for list takers. County after county reported full-day schools led by county tax supervisors. In many instances the sessions were attended by boards of commissioners and the county attorney. More counties than usual gave their list takers schedules of prices to be used in placing tax values on standard items of personal property. There were indications, however, that instruction in how to take farm census reports still tends to crowd out needed instruction in how to value property for taxes.

Almost every tax supervisor announced through the newspapers that failure to list during the regular listing period would subject the property owner to an automatic penalty of 10% of his tax bill. In a few cases there was at least a suggestion that the penalty would be only \$1, but this misconception of the law seems to be fast disappearing.



A group of county officials attending the School for County Commissioners, January 17-18.

## Drop the Poll Tax?

Whether counties and municipalities levy poll taxes is left up to the General Assembly by the North Carolina Constitution. The General Assembly, in turn, requires counties to levy a poll tax but makes it discretionary with cities and towns. Some municipalities have dropped the tax altogether. The fact that receipts from the county poll tax have been earmarked for public schools has tended to combat increasing sentiment for outright abolition. In recent months, however, agitation for giving counties the same discretion now allowed cities has been heard with particular force in Mecklenburg. Writing in the *Charlotte Observer*, Loye Miller said on January 30, "What's this poll tax Mecklenburg County men between 21 and 50 are supposed to pay—and don't? It's \$2 per year. . . . Mecklenburg tax officials want the county poll tax dropped because they say they can't enforce it.

"When a fellow comes in and lists real estate or personal property for taxes, they automatically slap him with the poll tax too. But last year, operating that way, they got poll tax from only 16,811 males in the city [of Charlotte] and 14,045 in the county [outside Charlotte].

"Any mailman can tell you there are probably at least twice that many men between 21 and 50 breathing the air of Mecklenburg.

"Some of them are gay young bucks who own little personal property, don't have to list for property taxes and go merrily on their way without listing for poll tax either. Others are solid citizens who hide behind women's skirts from the tax man—they evade [by] listing their property in their wives' names.

"We're getting the tax only from those who are honest, and that penalizes them because we can't enforce it against anyone else,' says one tax official. 'When a law can't be enforced, it's a bad law and ought to be changed.'

"Some years ago the tax boys tried running down the old tax dodgers through the city directory. When that didn't work, they went to the precinct registration rolls. That flopped, too. 'Everybody we called in claimed to be either 18 or 80.' And it was pretty plain that any large-scale detective work to round up stray males would end up costing more than the tax would bring in.

"It's estimated that the 1956 poll tax will eventually bring in [for Mecklenburg County] something less than \$62,000. The tax men point out that if the poll tax were dropped, an increase of slightly more than one cent on the present tax rate would produce the same amount of revenue, would be more equitable and could be collected as effectively as other county taxes."

## Revaluations

Revaluations of real property are being completed in Chowan, Lincoln, Hoke, and perhaps other counties for use in 1957. The Lincoln County officials have decided to use 50% of the appraisal values for tax purposes; Chowan and Hoke had not, at the time this note was written, decided what percentage they would adopt. In Wilson County, where a revaluation by actual appraisal was last held in 1948, the commissioners have decided to have a three-man board correct inequities as they now exist and then raise all real estate tax values a flat 25%.

At least five counties have made definite commitments to have revaluations conducted by professional firms this year. While costs figures are not subject to reliable county-by-county comparison, it is interesting to note that the smallest reported figure is \$35,000 and the highest \$129,000. From Yadkin, Bladen, Surry, Halifax, and New Hanover come reports that work has already started or is about to start so that the values will be ready for use in 1958.

After giving serious consideration to the question, Vance County commissioners have decided not to embark on a revaluation program. In Union County the discussion seems to be concentrated on how to do the job and how to finance it, not so much on whether it is needed. In Forsyth County, where a revaluation costing \$149,000 was completed as recently as 1953, there is considerable sentiment for conducting a new one. Wake County is levying a special tax to finance a revaluation, but the authorities have not been able to decide on when to begin the work. A report from Harnett County indicates that the town of Lillington will seek legislative authority to assess its own property for taxation, a step that has been tried by a few North Carolina towns but usually abandoned when faced with the necessity of setting up assessment machinery comparable to that used by the counties.

## Personnel Notes

**W. A. Miles, Jr.**, has been appointed Mayor of Warrenton to succeed **J. Ed Rooker**, who resigned recently. Mr. Miles had been serving as Mayor Pro-tem.

**Judge Felix E. Alley** of Waynesville, a Superior Court jurist for 15 years and a well-known figure in Western North Carolina, died in a Haywood County hospital on January 7. He served as clerk of the Jackson County Superior Court, in the state legislature, and as solicitor of the 20th Judicial District before becoming a superior court judge.

**J. N. Pruden**, Attorney for Chowan County and Edenton, died recently. **William S. Privott** has been named to succeed Mr. Pruden.

**Richard K. (Cap'n Dick) Hall** died at his home in Edenton on January 27. He was the oldest active fire chief in the world, both as to age and years of service. He was 91 years old and had been a member of the fire department since he was 16, starting with the department when it was only a bucket brigade and carrying it forward to an efficient rural fire commission. He had been chief since 1921.

**Clarence E. Hensley** was sworn in as Chief of Police of the town of Burnsville recently. He replaces **Ralph Peterson** who was seriously injured.

**Claude O. Smith** has resigned as Tryon Town Manager effective June 30. He has held this position since 1944. **Alex Arledge** has been named to succeed Mr. Smith.

**Earle W. Justice** of Rutherfordton retired January 31 after 22 years of service as manager of the Rutherford County Employment Security Commission office. He will be succeeded by **Don Brande** of Statesville.

**Knox Walker** of High Point has been appointed attorney for that city. He succeeds veteran attorney **Grover Jones** who died last fall. Mr. Walker has been acting as legal advisor to the city since Mr. Jones' death.

(Continued on page 18)



# County Home Rule and Local Legislation

What is "home rule?" Briefly stated, it refers to the situation where local units of government have authority to make their own decisions, free from interference by the legislature. Home rule can be granted to local units in two ways: (1) through laws passed by the legislature and (2) through a constitutional guarantee of the right of local units to make their own decisions in certain areas.

Local units in North Carolina have been granted broad power by the General Assembly in many areas, and hence have a degree of home rule today. The General Assembly by general law and local acts has given cities broad permissive authority to decide what activities they shall undertake. The General Assembly by general law has given counties broad permissive authority in such areas as the establishment and operation of rural fire protection programs, farm and home demonstration, hospitals, airports, libraries, and other activities. Boards of commissioners may decide whether to undertake these activities, how to operate them, and how much money to spend on them. The General Assembly by local acts has given some boards of county commissioners broad authority to set the salaries and fees of county officials; these acts are often referred to as "home rule" acts, indicating that to many North Carolina county officials home rule begins with this power.

Of course, local officials invariably want more authority than the legislature, and perhaps even the people, are willing for them to have. For example, some counties as well as cities wish more freedom in raising revenue and borrowing money. And some cities wish more authority in annexing adjacent territory. Legislators, however, often take the position that these are not solely "local" questions to be decided locally, but questions with state-wide import more appropriately decided by the legislature. Thus there is a continuing debate on the policy question of what authority should be granted to local units for local decision.

In a number of states, constitutional provisions authorize local units to adopt and amend a charter of gov-



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ernment, providing in the charter for the exercise of certain powers without interference from the General Assembly.\* It is this type of home rule that is generally referred to in connection with home rule for cities, though in some states similar power has been extended to counties. It is this type of home rule that was discussed in the General Assembly of 1955, when bills were introduced to provide for home rule charters for both counties and cities.

## Theories of Constitutional Home Rule

Constitutional provisions granting local units authority to adopt home rule charters may be based on a number of different theories. Three of these theories have been discussed in North Carolina.

Under one theory, the constitutional provision contains a specific grant of power to local units, which the local unit adopting the charter can decide to exercise or not, without interference from the General Assembly. Some provisions merely grant power over "local matters," a term which is always difficult to define. Other provisions list specific powers which may be exercised locally, and this also gives rise to difficulties of interpretation. In either event the provision often hinders the expansion of local activities into new areas not envisioned at the time of the adoption of the constitutional provision. This theory was the basis of the suggested city home rule amendment introduced

\* Because of restrictive judicial interpretation, freedom from legislative interference often turns out to be less than the sponsors of the constitutional provision had hoped for. This home rule problem, however, is beyond the scope of this article.

into the General Assembly in 1949; the bill was killed by the Senate Committee on Constitutional Amendments.

A second theory would leave in the hands of the legislature the power to decide what activities must, and what activities may, after local decision, be performed by local governments. This type of constitutional provision makes local governments dependent on the legislature for authority to act, but it provides flexibility in the future development of local government. It allows the legislature to decide what type of local government is best suited to perform certain activities, and to decide on the allocation of activities between the various types of local governments, particularly counties and municipalities. This theory was the basis of the 1955 county home rule bill, House Bill 811, discussed below.

A third theory would grant to local governments the power to perform, without interference from the legislature, any activity not specifically prohibited by or regulated by the legislature. This theory provides maximum flexibility to local governments, because it allows them to proceed in any direction until prohibited by the legislature. This theory was the basis of the 1955 city home rule bill, House Bill 810.

## The 1955 County Home Rule Bill

House Bill 811 would have submitted to the voters of the state in the 1956 general election the question of amending Article VII of the North Carolina Constitution to allow counties to adopt home rule charters. Under the proposed amendment, a charter could be proposed either by the board of county commissioners or by a charter commission elected by the voters of the county, but the charter would not become effective until approved by the voters of the county in an election.

The key provisions of the proposed amendment read as follows:

"(g) A home rule charter shall provide for such county officers as may be deemed necessary to carry out and perform all county functions, and such charter shall provide for the method of selec-

tion, term of office, or compensation of such county officers: *Provided*, that such charter may not change the method of selection, term of office, or compensation of the clerk of superior court, sheriff, coroner, or register of deeds, nor of the officers provided for by the General Assembly to operate and maintain the public schools nor of the officers provided for by the General Assembly to conduct elections. Charter provisions with respect to county executive, legislative, and administrative structure, organization, personnel, and procedure shall be superior to the provisions of general and special laws on the same subjects, subject to the requirement that the members of the governing body of the county be chosen by popular election, and except as to judicial review of administrative proceedings, which shall be subject to the superior authority of general or special law.

"(h) A county which adopts a home rule charter shall, except as otherwise provided in its charter, have all the powers conferred upon home rule counties by general law, all the powers conferred on any county by general law, and all the powers conferred upon such county by special law. All the powers and duties granted to or imposed on counties and county officers shall, except as otherwise herein provided, be vested in the governing body of the county unless expressly vested in specific officers by the home rule charter. The governing body may by resolution delegate any of its executive or administrative powers, authority, or duties not expressly vested in specific offices by the charter, to any county officer or officers or county employee or employees: *Provided*, that the powers and duties granted to or imposed on the clerk of superior court, sheriff, coroner, and register of deeds, the officers provided for by the General Assembly to operate and maintain the public schools, and the officers provided for by the General Assembly to conduct elections shall be exercised and performed in accordance with general or special law.

"(i) Subject to the provisions of Article VII, Section 7, of the Constitution a county which adopts a home rule charter may levy such taxes as it is authorized to levy by the General Assembly under general or special law. A county which adopts a home rule charter may incur such debt as it is authorized to incur by the Constitution and by general or special law."

#### Legislative Control over Activities

The first sentence of subsection (h) quoted above makes it clear that the General Assembly would have retained the power to decide what

counties may do. The theory is this: the county is an administrative agency of the state, created by the state in part to perform those activities which the state believes can best be performed by local officials. The General Assembly should therefore retain power over county activities.

This provision also made it clear that the General Assembly may grant power to "home rule" counties in three ways: by general laws, by laws applicable to all home rule counties, and by special laws. Thus, in addition to the power to *direct* counties to do certain things, the General Assembly would also have retained power to decide what counties *may* do, and counties could have done nothing without the express or implied permission of the General Assembly. Many present laws authorize, but do not require, counties to carry on many activities if the board of commissioners deems it wise, such as public health programs, farm and home demonstration, hospital and sanatorium operation, county home operation, rural fire protection and many others. This situation would have continued under the home rule amendment, since that amendment granted no substantive powers to counties. It is also to be noted that the people of a county might, however, have limited the exercise of powers granted by the General Assembly through a provision of the home rule charter. For example, the people could in the charter have prohibited the exercise of the general law power to provide financial support for a non-profit hospital. But the people in the charter could not have kept the county from doing that which the General Assembly had specifically directed it to do.

It seems clear that the retention of the power in the General Assembly to grant "home rule" counties power by special law stemmed from the realization that special legislation gives a needed flexibility to a state as broad and varied as North Carolina. Our counties differ in size, in population, and in geographic characteristics, and the various counties need opportunity to obtain special powers that the General Assembly would perhaps deny to all counties on a state-wide basis. For example, many counties have special authority to levy certain special taxes, to issue bonds for certain purposes, and to carry on certain activities that legislators from other counties are unwilling to grant to their counties, or that other coun-

ties themselves do not want. Moreover, the special act of one legislative generation often becomes the general law of another, as counties have an opportunity to experiment and to test the worth of certain activities that the General Assembly as a whole would deny to all counties in the state in the beginning. Since the North Carolina General Assembly has a habit of acting permissively in this connection, the abolition of special legislation in this area would have reduced flexibility with little or no offsetting advantages.

#### Local Control over Officers

Subsection (g) contained the real key to the county home rule charter amendment. It would have authorized local decisions as to the county officers needed to govern the county, and the method of selection, term of office, and compensation of such officers. The charter could have provided whether these officers, or some of them, were to be elected or appointed, and if appointed who would have made the appointment. It would have provided the term of office, as, for example, a specific term of years or a term at the will of the appointing authority. It could have provided for the method of removal, and it could have provided for the compensation.

The charter could not, however, have affected the method of selection, term of office, or compensation of the clerk of court, register, sheriff, coroner, school officials, or election officials; these would have remained subject to the control of the General Assembly. The reasons for these exclusions seemed to have been grounded on the presumed necessity for keeping the elected officials independent, and to retain full legislative control over schools and elections because of the state-wide importance of these activities. (Under a committee amendment, welfare and health officials were also put back in the control of the General Assembly, thereby limiting even further the scope of a charter.)

The last two sentences of subsection (h) made it clear that all powers and duties granted or imposed on counties or county officers were to be vested in the board of county commissioners, with two exceptions: (1) The charter itself could provide that certain powers were vested in certain officers other than the board of commissioners. (2) The powers and duties of the clerk of court, register, sheriff, coroner, school officials, and election



officials were to continue to be determined by the General Assembly, again apparently in order to provide for uniformity in these offices and their activities throughout the state. (The same committee amendment referred to in the preceding paragraph added welfare and health officials to this list of officials whose powers and duties were to continue to be determined by the General Assembly.) For example, the board of commissioners might desire to make decisions as to the operation of hospitals, or libraries, or other institutions, or delegate these decisions to boards or officers created by the charter; the board might desire to list and assess property for purposes of taxation, or it might delegate these activities to a board or officers created by the charter.

### Legislative History of the County Home Rule Bill

Both the county home rule bill and its companion, the city home rule bill, were introduced by Representative Clyde A. Shreve of Guilford County, Chairman of the House Committee on Counties, Cities, and Towns. According to the introducer, both bills were in a real sense committee bills, and many of the members of Mr. Shreve's committee also signed the bill. The bills were introduced on March 31, after the legislature had been in session for almost three months and after the committee had already processed some 500 local bills.

The chairman and his committee, recognizing the amount of time spent by the General Assembly on local bills and believing that the General Assembly should confine its labors to matters of state-wide import, sponsored the county and city home rule bills in an effort to reduce the flood of local legislation processed by each session of the General Assembly.

#### Favorable Editorial Comment

Immediately upon introduction, editorials in a variety of newspapers across the state hailed the bills as providing long-needed reform in state-local relations. A study of editorial comments and statements of legislators and local officials reveals that a number of advantages were claimed for the idea of home rule:

(1) Home rule would stimulate interest in local governments, because the local governments themselves would be making decisions that heretofore had been made in Raleigh.

(2) Home rule would eliminate much confusion in local government which arises when local decisions are made by state legislators in Raleigh. At the present time, it is often difficult to decide which decisions have been, are being, or should be made by the local officials and which by the legislature. In this situation, it is little wonder that the person interested in local matters is or can easily become confused as to where to turn when he wants something done.

(3) Home rule would eliminate the possibility of the evasion of responsibility by local officials, in that local officials would be responsible for making local decisions. Newspaper stories which appear while a General Assembly is in session indicate that many local officials will refuse to act during that time, or will ask county legislators to make decisions through local bills during that period. The consequence of course is that local citizens do not know where to pin responsibility, and often in desperation lose interest in local government.

(4) Home rule would eliminate the one-man rule which results when a county has one legislator who can override the decisions of a multi-member board of county commissioners or city or town governing body.

(5) Home rule would allow local governments to perform more effectively, in that local officials could make changes in governmental organization and structure where necessary to improve local governmental procedures.

(6) Home rule would strengthen state government by freeing the hands of the members of the General Assembly from having to process the multiplicity of local legislation. Legislators themselves have estimated that half of their time during a legislative session is spent on local matters (see *POPULAR GOVERNMENT*, February-March, 1949, pages 13-16). Moreover, by taking local issues out of election contests for seats in the General Assembly, the voters could have a clearer choice to make between candidates differing as to their stands on state-wide issues in those cases where local matters become issues in legislative campaigns.

(7) Home rule, by improving relations and eliminating the causes of friction between state legislators and local officials, would make more satisfactory the relationships between state and local governments. It has long

been recognized by students of government that unsatisfactory state-local relations often tend to make local citizens turn to the federal government for action, thus increasing centralization of governmental activity at the federal level. Moreover, in prospective rebuttal against anticipated arguments by those who were opposed to home rule, adherents of the bills noted that they were so drawn as to leave in the General Assembly the right to prohibit or supersede local action that might have an adverse effect on other communities.

Few were the voices raised in opposition to the home rule bills, and even the hearings before the committee did not develop any real protests. A number of minor amendments and clarifications were made, however, along with one major amendment to the county home rule bill excluding health and welfare officials from its provisions, as school and election officials had been excluded from its provisions in the original draft. The scope of the county home rule bill was thus greatly reduced—reduced to such an extent in fact that the usefulness of the scope of the remainder of the bill was drawn into question.

#### Bill Killed by House

The bills were reported favorably by the House Committee on Counties, Cities, and Towns four weeks after their introduction. They were then re-referred to the Committee on Constitutional Amendments, and were in turn reported favorably by that committee. They reached debate on the House floor on May 9, and after being explained by the introducer, were promptly killed by voice vote.

Thus, in spite of the favorable newspaper comments, and in spite of the strong arguments for the bills made by the members of the committee closest in touch with the problem of local legislation, they were not really seriously considered by the whole House. Why was this so? Perhaps least important was the fact that the session was more than half over when they were introduced, and the legislators were quite busy with other problems of a more pressing nature. Moreover, at the time of the debate, many minds were on adjournment though it did not finally come until almost three weeks later. More important was the fact that the bills were apparently not clearly understood by the majority of members of the House, and with consideration

coming as late in the session as it did, there was not much chance for bringing knowledge and understanding to men with their minds on other matters. Perhaps equally as important is the fact that legislators are not yet ready to give up their power over local government, and, conversely, some local officials are not really willing to assume these powers if they had the opportunity.

But perhaps the most important reason of all for the bills' speedy demise lies in the fact that there seems to be general satisfaction with the present situation. In spite of some flagrant recent cases of legislative interference, there exists, generally speaking, a good relationship between state legislators and local officials. When this is the case, local legislation is a far easier and less expensive method of modifying local governmental organization and powers than is charter amendment with a required election. Moreover, with few limits on the scope of local legislation, there is much room for experimentation on the part of local governments who want to try new organizations and new activities, and they may do so without having any immediate effect on local governments elsewhere. The comments of state legislators and local officials concerning home rule in *POPULAR GOVERNMENT*, February-March, 1949, pages 26-28, indicate the absence of the dissatisfaction with the existing situation that has so often in other states begun and carried home rule battles to successful completion. The curbing of legislative power over local affairs is not likely to come about through the exercise of legislative restraint. It will come when local officials throughout the state have the desire, see the necessity, and are ready to fight for home rule.

### Local Legislation in 1955

Would the proposed county home rule amendment have had any real effect on the flood of local legislation considered by the General Assembly? A brief analysis of 1955 local legislation applicable to counties in North Carolina will help answer this question.

The 1955 General Assembly passed 631 local bills affecting counties. The great majority of these affected only one county, although a few did affect from two to nine counties. It is to be noted that in addition to the 631 county bills, there were 255 city

bills enacted, making a total of 886 local bills in all. This is to be compared with the total of 645 public bills. Thus, local bills made up 62% of the total number of bills ratified during the course of the 1955 session.

Breaking down the 631 total county local bills by subject matter gives the following results:

71 concerned the salaries of county officials; most set one or more salaries exactly, although a few granted power in varying degrees to boards of county commissioners to set salaries.

71 affected the fees which can be charged by county officials for certain services; 5 of these gave future power over fees to boards of county commissioners.

140 were concerned with taxation and finance; 29 authorized or limited the powers of boards of commissioners to levy special taxes; 21 were concerned with listing, assessing, and collection machinery; 18 concerned exemptions, rebates, statutes of limitations, and other matters; 17 authorized the issuance of bonds for special purposes; 37 authorized appropriations for special purposes; and 18 concerned miscellaneous financial matters.

50 affected the public schools, over and above the 8 acts mentioned under taxation and finance which authorized the issuance of bonds for school building purposes. Of the 50, 15 concerned the composition of boards of education; 9 named specific board members; 9 concerned the disposition of surplus property; 6 authorized appropriations for special purposes; and 11 concerned other school matters.

52 related to criminal offenses or regulated the acts of individuals; 17 applied to hunting and fishing; 5 to fortune telling; 4 to motor boat operation; 4 to the disposition of confiscated guns; 6 to public drunkenness and the possession of whiskey; and 16 were miscellaneous acts.

90 concerned boards of county commissioners; 14 concerned the composition of boards; 33 concerned the power of county commissioners over county officers and employees; 11 concerned the powers of county commissioners to regulate certain activities; 14 concerned the sale or disposition of county property; and 18 were miscellaneous in nature.

83 concerned the operation of the court system; 36 affected the officers and employees of inferior courts; 17 concerned the jurisdiction and procedure of

inferior courts; 14 concerned the selection of jurors; 5 created law libraries; 5 concerned superior court procedure; 4 concerned superior court terms; and 2 concerned court reporters.

74 concerned a variety of other subjects; 12 concerned the drafting of legal papers; 11 validated acts of officials; 9 created authorities and commissions; 5 concerned elections; 5 concerned alcoholic beverage referenda; and 32 concerned a wide variety of other activities not classifiable.

### Unnecessary Bills

While it is often difficult to determine after the event the exact reason for the introduction and passage of certain local bills, a study of the 1955 local bills indicates that a large number were unnecessary. Over 90 were apparently unnecessary, because the county already possessed the power granted. A few of these perhaps represented legislative interference, where the legislature directed a county to do that which it had power to do but seemingly had not done, but the exact number of these "interference" bills, though apparently small, is difficult to determine.

### Unconstitutional Bills

In addition to the unnecessary bills, around 20 were of doubtful constitutional validity. Some of these were passed in violation of the provisions of Article II, section 29, of the North Carolina Constitution, which prohibits local legislation in certain areas, and others concerned the compromise of tax claims, which raises the constitutional question of tax uniformity.

### Bills Affecting Local Officials

Around 260 of the local county bills concerned salaries, fees, and the creation, election, or appointment of local officers and officials. This was the area at which the county home rule bill was directed. Of this total, 142 concerned salaries and fees, areas in which a number of boards of county commissioners have already been given plenary power. For example, 40 boards of county commissioners now have authority to set the salaries of all appointive officials and employees, and 28 of these have the authority to set the salaries of elective, as well as appointive officials. Moreover, 18 boards of commissioners have full power to regulate fees charged by various county officials. In addition, approximately 120 local bills had to do with personnel to carry out county activities; of this total, 70 concerned



regular courthouse personnel; 36 concerned personnel of inferior courts; and 15 concerned public school officials.

#### **Bills Affecting Substantive Powers of Counties**

The remainder, over 250 local bills, affected the substantive powers of counties, including the power to tax, to borrow money, to spend money, and to carry on activities. A number regulated the acts of individuals within the boundaries of the counties, and others validated acts of officials or provided for special situations.

#### **Home Rule Would Not Eliminate Local Legislation**

Thus, one might hazard a guess that if the county home rule bill had passed, and if every county had adopted a home rule charter, the flood of local legislation might have been reduced by less than 30%. The home rule bill would have made unnecessary the acts setting salaries and fees, and as reported out of the House committees might have made unnecessary perhaps 60 of the acts governing the officials and employees necessary to carry out county activities. It would not have eliminated the need for all such acts, because the public school officials were specifically exempted from the provisions of the act, and other provisions would have still left an area for General Assembly action.

But if experience in other states is any criterion, few counties would have adopted a county home rule charter. Charter adoption and amendment is cumbersome, because the approval of the voters is required. Local legislation by comparison is easy and inexpensive, especially when there are amicable relations between legislators from the county and other county officials. And as has previously been mentioned, these amicable relations are more the rule than the exception. Consequently, it is quite possible, and even probable, that few North Carolina counties would have adopted a home rule charter.

Thus one might hazard a further guess that even if the county home rule bill had passed, it would have no marked effect whatsoever on the amount of local legislation considered by the General Assembly.

#### **Ways to Reduce Local Legislation**

There are more effective ways to reduce the amount of local legislation than that encompassed in the county

home rule bill. For example, half of the local legislation passed by the 1955 General Assembly could have been eliminated with the adoption of three general principles:

(1) Screen all local legislation to eliminate bills which are unnecessary because covered by general law and bills which are unconstitutional. This would have eliminated perhaps 100 bills.

(2) Return to boards of county commissioners the power to set all salaries and fees in the county. This would have eliminated almost 150 bills.

(3) Modify existing general legislation so as to provide more discretionary authority to boards of county commissioners in non-controversial areas. For example, if boards of commissioners had greater authority to determine the number and method of selection of inferior court officials, 36 acts could have been eliminated. A general law on the disposition of county property would have eliminated several. And continuing analysis of local legislation with the goal of modifying general laws to make the local legislation unnecessary would have a cumulative effect of reducing local legislation in years to come. This would still leave to the General Assembly the controversial areas of taxation, spending, borrowing, and new county activities and powers.

Of course, these remedies are more easily stated than undertaken. Nevertheless, if there exists a real desire to reduce the flood of local legislation, it can easily be done with more simple expedients than that of constitutional amendment.

#### **The Future of County Home Rule**

The flagrant abuse of legislative power over local affairs which has so often in other states initiated home rule movements has occurred only rarely in North Carolina. True, there are, in each session of the General Assembly, a number of instances which are reminders of how bad things can be when state legislators and local officials are at odds, but these instances do not occur often enough to make the subject of home rule a lively topic of current discussion throughout the 100 counties. In fact, the reverse is probably true: Cooperation between state legislators and local officials has resulted in a relationship whereby most counties can obtain from the General Assembly local legislation on any topic that does not

completely fly in the face of state-wide policy. And it is generally realized in North Carolina that the power of the General Assembly to pass local legislation gives a needed flexibility to a state as varied in nature as North Carolina.

It would seem to be a safe conclusion that county home rule in North Carolina is as far off as the recognition on the part of local officials that a substantial change is needed in state-local relations. Until local officials are ready to demand home rule, it is not likely to be seriously considered.

#### **The Future of Local Legislation**

Many legislators feel that the present situation presents an intolerable burden on them, and that the energy necessary to process the flood of local legislation is a definite hindrance to concentration on matters of state-wide import. But if a constitutional amendment authorizing the adoption of county home rule charters is not the answer, what is? It must be remembered that, as previous portions of this article have tried to show, the 1955 county home rule bill would not have made much impact on the flood. The area of the bill was limited, and few counties would probably have availed themselves of the opportunity to adopt a home rule charter.

If local legislation is to be reduced, perhaps the best solution lies in the General Assembly itself. If a procedure were established to screen and weed out unnecessary local legislation, if the legislature would return salary and fee fixing power to local hands, and if general legislation were recurrently examined to make certain that it left in local hands as much discretion as legislative policy would allow, the amount of local legislation would be drastically reduced and legislators' time could be devoted to state-wide matters.

If the proof of the pudding is indeed in the eating, it seems that General Assemblies of past years have preferred devoting their collective time to the processing of local legislation to the alternative of returning more power to the local governments of the state. Whether the time has come when this preference will be changed, or even slightly modified in the direction of increased local authority, is a question which only the General Assembly itself may answer.

# Local Taxation of Intangible Personal Property

## The Significance of *Investment Co. v. Cumberland County*

A few months ago an article appeared in this magazine<sup>1</sup> attempting to analyze the effects for North Carolina of a United States Supreme Court decision upholding the right of a Nebraska county to levy an *ad valorem* tax on private leasehold interests in and improvements on federally-owned land under the exclusive legislative power of the United States Congress.<sup>2</sup> In essence, that article took the position that the effect of the decision would depend upon the answer to this question: When the North Carolina General Assembly exercised its constitutional power to classify property for taxation by enacting the Intangibles Tax (Schedule H of the Revenue Act), did that serve to remove *all* intangible personal property from county and municipal taxation, or did it serve to remove from local *ad valorem* taxation only those items of intangible personalty specifically enumerated in Schedule H?

The argument for permitting local taxation of a leasehold interest (and presumably any intangible not listed in Schedule H) was summarized as follows:

"1. The interest of the lessee in the peculiar facts under consideration can, as a matter of federal constitutional and statutory law, be subjected to taxation by a state (directly or through its subdivisions) if the state taxing statute is drawn so as to impose a tax on this kind of property.

"2. Under the Machinery Act of 1939, as amended, the applicable North Carolina law, all property (real and personal) not specifically exempted is subject to taxation. It is generally understood that a leasehold interest in this state is considered to be intangible personal property.

"3. The Intangible Property Tax has the primary effect of removing from the general property tax imposed by the Machinery Act certain items of intangible personal property, classifying them, and setting the rates of taxation to be applied to the intangibles thus classified. Having removed



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these items from the general property tax, the General Assembly amended the Machinery Act to make it plain that intangibles taxed under Article VIII, Schedule H, of the Revenue Act (i.e., the Intangibles Tax) are exempted from the general property tax.

"4. But despite the fact that one section of the Machinery Act<sup>3</sup> might be considered as removing *all* intangible property from the general property tax, it can be argued with force that items of intangible property not specifically classified and taxed in the Revenue Act (such items as "patents, copyrights, secret processes and formulae, good will, trademarks, trade brands"—all defined as items of intangible property by the Machinery Act) and not specifically exempted by the Machinery Act remain subject to local taxation. A leasehold interest would fall within that class of intangibles."<sup>4</sup>

The contrary position as outlined by the Attorney General and quoted in the first article was this: "On the other hand, it could be argued that there is no precedent under the North Carolina *ad valorem* taxing statutes for taxing a leasehold interest as a separate object of taxation and that, furthermore, the only taxation authorized with respect to intangibles is that which is contained in . . . Article VIII, Schedule H, of the Revenue Act which does not cover leasehold interests."<sup>5</sup>

<sup>3</sup> G.S. 105-303—"The listing, assessing, and taxation of intangible personal properties and the administration relative thereto shall be subject to the provisions of Article VIII, Schedule H, of the Revenue Act."

<sup>4</sup> POPULAR GOVERNMENT, November, 1956, pp. 16-17.

<sup>5</sup> This argument would, it appears, have to be based on the portion of the Machinery Act quoted in footnote 3, above.

### Investment Company Case

It is against this background that the opinion of the North Carolina Supreme Court in the recent case of *Investment Company v. Cumberland County*<sup>6</sup> must be examined. The facts in this case do not parallel those in the *Offutt* case precisely, but the general outline is the same.

In 1950 the Bragg Investment Company, a private corporation, leased 120 acres of the Fort Bragg reservation in Cumberland County from the Secretary of the Army for a term of 75 years. The purpose was to build 500 housing units on the land for military and civilian personnel connected with the United States armed forces.<sup>7</sup> The annual rental was set at \$359.01. The terms of the lease provided, among other things, that ". . . title to all improvements constructed upon the leased premises by the Lessee, in accordance with the terms of this Lease, shall during the term of this lease remain in the Lessee. Upon the expiration of this Lease, or earlier termination, unless the lessee shall elect to remove the improvements and restore the premises, all improvements made upon the leased premises shall become the property of the Government without compensation."<sup>8</sup> This provision was quite different from that in the Nebraska case giving the United States title to each improvement on the leased land as it reached completion.<sup>9</sup>

<sup>6</sup> 245 N.C. 492, opinion filed February 1, 1957.

<sup>7</sup> The lease was made under the terms of 10 U.S.C.A. §§ 1270-1270d to effectuate the purposes of Title VIII of the National Housing Act, 12 U.S.C.A. §1748.

<sup>8</sup> 245 N.C. at 493.

<sup>9</sup> The lease in the *Offutt* case is quoted in POPULAR GOVERNMENT, November, 1956, p. 14. In the *Investment Company* case the lease contained a tax clause requiring the lessee to "pay to the proper authority, when and as the same become due and payable, all taxes, assessments, and similar charges which, at any time during the term of this Lease, may be taxed, assessed or imposed upon the Government or upon the Lessee with respect to or upon the leased property. In the event any taxes, assessments or similar charges are imposed with the consent of the Congress of the United States upon the property owned by the Government and in-

<sup>1</sup> Henry W. Lewis, "Taxing Private Interests on Government Land," POPULAR GOVERNMENT, November, 1956, pp. 13-17.

<sup>2</sup> *Offutt Housing Co. v. County of Sarpy*, 351 U.S. 253, 76 Sup. Ct. 814 (1956).



The Bragg Investment Company proceeded to construct the housing units and furnished each with a stove and refrigerator. In 1952 the Cumberland County tax authorities assessed the property for local taxation as follows:

Value of buildings on leased land .....	\$1,373,484
Value of stoves and refrigerators in buildings on leased land .....	62,270
Value of leasehold interest in the land .....	1,196
Total assessment .....	\$1,436,950

The Investment Company protested this assessment on the grounds that the property was exempt<sup>10</sup> and that the state had not authorized Cumberland County to tax it. The protest was overruled, the tax was levied on this assessment, and on September 28, 1954, the Investment Company paid the tax under protest and made a

cluded in this Lease (as opposed to the leasehold interest of the Lessee therein), this Lease shall be renegotiated. . . ." See 245 N.C. at 493.

<sup>10</sup> In support of this position the Investment Company relied on Article I, sec. 8, cl. 17 of the United States Constitution: "The congress shall have power . . . [17] To exercise exclusive legislation in all cases whatsoever, over . . . all places purchased by the consent of the legislature of the state in which the same shall be, for the erection of forts, magazines, arsenals, dock-yards, and other needful buildings. . . ." The North Carolina statute relied on was G.S. 104-7: "The consent of the State is hereby given, in accordance with the seventeenth clause, eighth section, of the first article of the Constitution of the United States, to the acquisition by the United States, by purchase, condemnation, or otherwise, of any land in the State required for the sites for custom houses, courthouses, post offices, arsenals, or other public buildings whatever, or for any other purposes of the government.

"Exclusive jurisdiction in and over any land so acquired by the United States shall be and the same is hereby ceded to the United States for all purposes except the service upon such sites of all civil and criminal process of the courts of this State; but the jurisdiction so ceded shall continue no longer than the said United States shall own such lands. The jurisdiction ceded shall not vest until the United States shall have acquired title to said lands by purchase, condemnation, or otherwise.

"So long as the said lands shall remain the property of the United States when acquired as aforesaid, and no longer, the same shall be and continue exempt and exonerated from all State, county, and municipal taxation, assessment, or other charges which may be levied or imposed under the authority of this State."

proper demand for refund on October 14, 1954. When the county refused to make a refund the Investment Company brought suit in the superior court to recover. The lower court entered judgment for Cumberland County, and the Investment Company appealed.<sup>11</sup>

### The Opinion

Speaking through Mr. Justice Rodman, the North Carolina Supreme Court opened its opinion with a statement that the Bragg Investment Company had conceded the applicability of the *Offutt* case to the exemption argument, thereby leaving as the only remaining question: "Has the State authorized Cumberland County to impose the tax?"<sup>12</sup>

It had been the Investment Company's contention that the answer should be negative because the North Carolina statutes do not specifically authorize taxation of a leasehold estate. Without so stating, but manifestly reasoning from the fact that the Investment Company's lease specifically placed title to all leasehold improvements in the lessee, the Court noted the Machinery Act's requirement that all real and personal property not specifically exempted be listed for taxation,<sup>13</sup> that taxability is presumed while exemption statutes are to be construed strictly,<sup>14</sup> and proceeded to a consideration of the following statutes:

(1) G.S. 105-306(6) provides, in those situations in which improvements on land are owned by one other than the landowner, "such fact shall be specified [on the tax list], together with the name of the person owning such . . . improvements; though the owner of the land may or may not list such . . . improvements for taxes in accordance with the provisions of [G.S. 105-301(8)]."

(2) G.S. 105-306(7) provides that the owner of improvements located on the lands of another should list them for taxation separately unless, by agreement under G.S. 105-301(8),

<sup>11</sup> The facts are set out in 245 N.C. at 493-494.

<sup>12</sup> 245 N.C. at 494.

<sup>13</sup> Citing G.S. 105-281 and *Hospital v. Guilford County*, 218 N.C. 673, 12 S.E. 2d 265 (1940), *Oddfellows v. Swain*, 217 N.C. 632, 9 S.E. 2d 365 (1940), *Latta v. Jenkins*, 200 N.C. 255, 156 S.E. 857 (1930), and *Southern Assembly v. Palmer*, 166 N.C. 75, 82 S.E. 18 (1914).

<sup>14</sup> Citing *Henderson v. Gill*, 229 N.C. 313, 49 S.E. 2d 754 (1948), *Harison v. Guilford County*, 218 N.C. 718, 12 S.E. 2d 269 (1940), and *Rich v. Doughton*, 192 N.C. 604, 135 S.E. 527 (1926).

they are listed by the owner of the land.

(3) G.S. 105-301(8) provides, in the factual situation under consideration, that the landowner and the owner of the improvements on the land "may list their interests separately or may, in accordance with contractual relations between them, have the entire property listed in the name of the owner of the land. . . ."

Noting that the statutory definition of real property includes buildings and permanent fixtures,<sup>15</sup> and that stoves and refrigerators are tangible personal property,<sup>16</sup> the Court had no difficulty in reaching the conclusion that such properties in the hands of private individuals are taxable under the Machinery Act.

On the question of the taxability of the leasehold interest apart from the buildings, stoves, and refrigerators, Mr. Justice Rodman first noted that the statute requires the listing of "all other property whatever, not specifically exempted by law"<sup>17</sup> and then wrote:

A lease is, as [the Investment Company] asserts, a chattel real,<sup>18</sup> and as such a species of intangible personal property. But that does not mean that it can escape taxation. It is, we think, subject to *ad valorem* tax and not to the State intangible tax. We do not understand that the right to so classify it is questioned.<sup>19</sup>

With this unequivocal statement the North Carolina Supreme Court has made it clear that counties, cities, and towns may list, assess, and impose *ad valorem* taxes on leasehold interests. And, if this is true for leaseholds it must also be true for all items of intangible personal property not specifically classified and taxed under Schedule H of the Revenue Act.<sup>20</sup>

### Implications of the Decision

It is too early to predict with certainty the ultimate effect of this decision, but it is pertinent to say that

<sup>15</sup> G.S. 105-272(30).

<sup>16</sup> G.S. 105-279 requires annual listing of, *inter alia*, "All personal property (which for purposes of taxation shall include all personal property whatsoever, tangible or intangible, except personal property expressly exempted by law)."

<sup>17</sup> G.S. 105-306(24).

<sup>18</sup> Citing *Moche v. Leno*, 227 N.C. 159, 41 S.E. 2d 369 (1947).

<sup>19</sup> 245 N.C. at 495-496.

<sup>20</sup> G.S. 105-198 through G.S. 105-217.

its significance extends beyond the holding that a privately-owned leasehold interest in military reservation land is subject to local *ad valorem* taxation. Local governmental units must now re-examine the Machinery Act's definition of "intangible property" in the light of the list of intangibles taxed by Schedule H of the Revenue Act to ascertain what intangibles remain vulnerable to the *ad valorem* taxing power of local units. The accompanying listing will prove helpful in this re-examination.

There is little doubt that the *Investment Company* decision points out at least six categories of intangible personalty that counties and municipal corporations not only may tax, but should have been taxing all along. By relying on the phrase "other like property" to bring leaseholds into the taxable categories, the Court has reminded local authorities that they must be on the lookout for all kinds of intangibles.

### Scope of the Decision

The problem the Court was not called upon to decide in the *Investment Company* case was this: Assuming that intangible property not classified and taxed under Schedule H of the Revenue Act remains subject to local *ad valorem* taxation, is this also true for items classified under Schedule H but wholly or partially exempted from the tax imposed by that schedule? For example, G.S. 105-205 classifies money on deposit with insurance companies and imposes a tax on it, but the section also contains the following exemption: "in the determination of the tax liability under this section the first twenty thousand dollars (\$20,000) of such funds on deposit . . . shall be disregarded where such funds on deposit are payable wholly and exclusively to a widow and/or children of the person deceased whose death created such funds on deposit." May local units tax this first \$20,000?

While there may be sound reasons for granting a particular exemption,<sup>21</sup> it is nevertheless the fact that the Intangibles Tax of Schedule H of the Revenue Act remains a tax on *property* and, presumably, remains as much subject to the constitutional limitations as does the tax on property administered locally. The pertinent constitutional provisions are

<sup>21</sup> Notice the relationship between the exemption in G.S. 105-205 and that in G.S. 105-3(d) in the Inheritance Tax schedule.

<b>Intangible Personalty</b>	
<i>Machinery Act definition</i> [G.S. 105-272(10)]	<i>Schedule H of the Revenue Act</i>
(1) stocks	(1) shares of stock (with specified exemptions) G.S. 105-203
(2) bonds, notes, and evidences of debt	(2) bonds, notes, demands, claims, and other evidences of debt (with specified exemptions) G.S. 105-202
(3) bills and accounts receivable	(3) accounts receivable G.S. 105-201
(4) cash	(4) all money on hand (including money in safe deposit boxes, safes, cash registers, etc.) G.S. 105-200
(5) bank deposits	(5a) all money on deposit (including certificates of deposit and postal savings) (with specified exemptions) G.S. 105-199 (5b) all funds on deposit with insurance companies, i.e., funds accruing by virtue of death of insured or original maturity of policy when parties entitled thereto might withdraw at will (with specified exemption) G.S. 105-205
(6) patents	(6) —
(7) copyrights	(7) —
(8) secret processes and formulae	(8) —
(9) good will	(9) —
(10) trademarks and trade brands	(10) —
(11) franchises	(11) —
(12) "other like property" [leaseholds]	(12) —

those requiring uniform taxation within each class of property taxed<sup>22</sup> and specifying in precise terms what properties are or may be exempted from all taxation.<sup>23</sup> While the issue has not been settled by judicial decision, it has been generally assumed that the power to classify property and to tax the property classified at a particular rate different from that applied to other property, does not carry with it the power to exempt property thus classified unless it falls in one of the categories which the Constitution specifically empowers the General Assembly to exempt. Otherwise, by exerting its power to classify under Article V, §3 the legislature would be enabled to evade the limitations imposed on its power to exempt by Article V, §5. It is unlikely that the courts would be willing to sanction this undermining of one constitutional provision by another which, so far as the context reveals, was not intended to be controlling. It is far more likely that the courts would say the provisions are of equal validity and that both must be observed. Such a view would mean that the power to classify does not include the power to exempt, and

<sup>22</sup> North Carolina Constitution, Article V, §3.

<sup>23</sup> *Ibid.*, §5.

the question posed here would be brought into focus.

Without speculating on this point it should be noted that even if the courts follow the line of reasoning suggested it is still improbable that they would permit local *ad valorem* taxation of items classified by Schedule H of the Revenue Act but exempted from the tax imposed by that schedule. In effect, it can be said that enactment of Schedule H demonstrated the legislature's intent to remove the intangibles enumerated there from all local *ad valorem* levies. Thus, even if it is assumed that some or all exemptions in Schedule H are invalid, it is still probable that the courts would hold the exempted items subject, not to local *ad valorem* taxation, but to the appropriate Intangibles Tax rate. This follows from the fact that the exempted items have already been *classified* and a different rate for their taxation (if taxed) fixed. If their exemption is invalidated they would take the status of all other items in their class.

### Administrative Problems

Perhaps the major administrative problem posed by the *Investment Company* holding is that of how to appraise intangibles for local taxation.

(Continued on page 18)



# Geographic Distribution of New Manufacturing Establishments in North Carolina, 1947-1956: A Series of Articles

By RUTH L. MACE, Staff Member of the Institute of Government

## Introduction to the Series

Preliminary results of the 1954 Census of Manufactures were published in July, 1956. With the release of these data it is possible to compare, on a county by county basis, North Carolina's gains and losses in new manufacturing establishments during the period 1947-1954. (The last Census of Manufactures was conducted in 1947.) Such a comparison provides a relatively complete picture of the location of new industries within the state, and sharply points up relative local strengths and weaknesses.

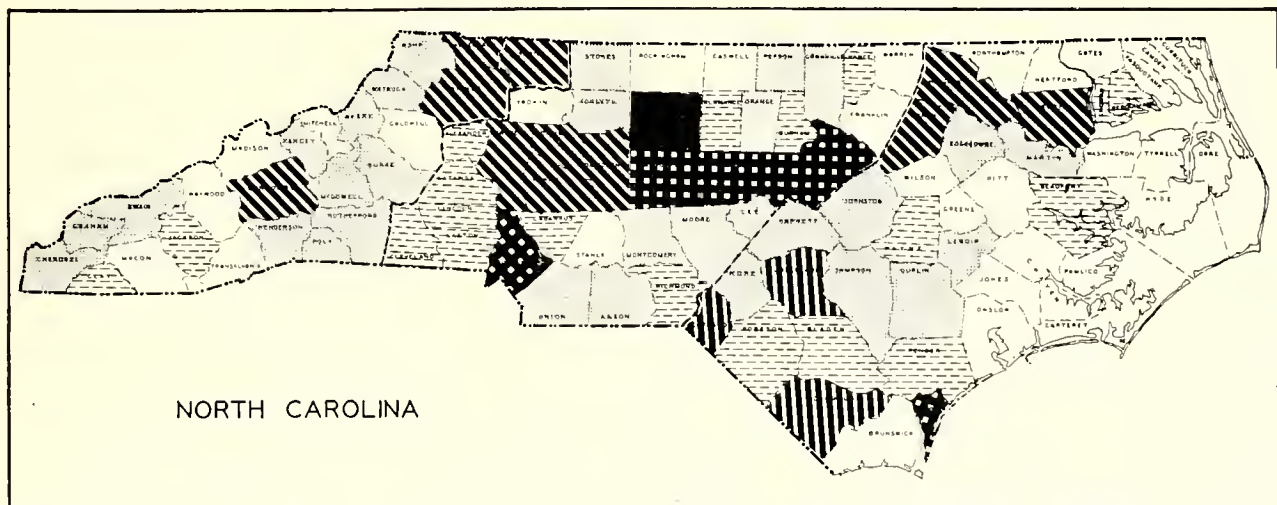
The series of articles, of which this is the first, will describe and analyze the geographic distribution of new and relocated manufacturing establishments in North Carolina during the period 1947-1954. The first three articles will be based on the census data noted above. Later articles will bring the situation up to date, making use of similar information collected by the Research Division of the North Carolina State Conservation and Development Department for the period 1953-1956. This picture will be made more meaningful if the reader supplements the information presented in

Industry Type	Gain or Loss
Food and kindred products	+34
Apparel and related products	+24
Furniture and fixtures	+11
Pulp, paper and products	+7
Textile mill products	+7
Stone, clay, and glass products	+6
Machinery, except electrical	+5
Fabricated metal products	+5
Instruments and related products	+2
Printing and publishing	+2
Transportation equipment	+2
Miscellaneous manufactures	+1
Chemicals and products	-1
Leather and leather products	-1
Primary metal products	-1
Tobacco manufactures	-2
Lumber and wood products (except furniture)	-3

this series with the material presented in the October 17, 1956 and November 1, 1956 issues of the *University of North Carolina Newsletter*. In these issues the Institute for Research in Social Science makes use of the 1947 and 1954 Censuses of Manufactures to study North Carolina's industrial growth during this period. The Oc-

tober issue dealt with the state as a whole as compared to the nation and the southeastern region. The November issue examined, on a county by county basis, gains and losses in manufacturing employment, value added by manufacture, value added per employee, and average wage per manufacturing employee.

MAP I



LEGEND

More than eight plants		One to two plants	
Five to eight plants		No gain or loss	
Three to four plants		Loss in plants	

Geographic Distribution of New or Relocated Manufacturing Establishments in North Carolina, 1947-1954  
Large Plants (100 or more employees)

Census data are provided for three classes of manufacturing establishments: (1) 100 or more employees (we call these "large" plants); (2) 20-99 employees (we call these "medium-sized" plants); (3) 1-19 employees (we call these "small" plants). The remainder of this article will be devoted to the "large" plant location picture. The second article will be devoted to the "medium-sized" plant location picture; and the third, to the "small" plant situation. The third article will also include a summary and an analysis of the total picture, with respect to all types of manufacturing establishments, and relate our data to that presented by the Institute for Research in Social Science.

### Part 1: Large Plant (100 or More Employees) Location in North Carolina, 1947-1954

North Carolina showed a net gain of 113 large manufacturing establishments during the period 1947-1954. This 14% gain raised the total number of such plants from 792 to 905. Looking at the county totals, we find that only 50 counties reported gains in plants of this size. Increases ranged from the addition of one to seventeen such plants for a total gain of 142 plants. At the same time, 19 counties reported a total loss of 29 plants, leaving the statewide net gain at 113. Among these 29 "lost" plants it is probable that some may have

<i>County</i>	<i>Gain or Loss (Number of plants)</i>	<i>Number of Plants in 1947</i>
Guilford (Greensboro-High Point)	17	69
Mecklenburg (Charlotte)	8	42
Wake (Raleigh)	7	9
Buncombe (Asheville)	3	15
Forsyth (Winston-Salem)	2	35
Durham (Durham)	-1	22

shifted location within the state, while others may have gone out of business or moved out of state to be replaced by new plants or plants relocating from other states. Thirty-one counties remained static during this period, reporting neither gains nor losses in their large plant population.

It is not possible from the census data to identify these gains and losses on a county basis by type of industry. It is possible, however, to determine the relative significance of gains and

losses in the various industry types for the state as a whole. This information is presented in Table 1 as background against which the various county gains or losses may be examined. In light of the Governor's recent emphasis on securing plants which will process North Carolina's agricultural products, it is especially interesting to note that the greatest plant type increase took place in the Food and Kindred Products classification. The second largest numerical gain was made in the Apparel and Related Products category. These firms, of course, make use of our existing, large textile output.

### How Does Your County Rate

#### Gains

Table 2 shows, in rank order, the gains and losses among North Carolina's 100 counties. Moderate gains of one to two plants were made in 30 of the 100 counties. Map I shows that these gains were widely distributed throughout the state. More substantial gains, three to four plants, were found in 14 counties (six Coastal, four Piedmont, and four Mountain). The most substantial gains, from five to eight plants, were reported in five counties, four in the Piedmont and one in Coastal New Hanover. The outstanding gain of 17 new large plants is reported in piedmont Guilford.

#### Static Counties

Of the 31 counties reporting neither

(Continued on page 16)

<i>County</i>	<i>Gain or Loss (Number of plants)</i>	<i>Number of Plants in 1947</i>
Guilford	17	69
Mecklenburg	8	42
Randolph	6	27
Davidson	4	26
Iredell	4	20
Burke	2	21
Forsyth	2	35
Caldwell	0	25
Rockingham	0	20
Cleveland	-1	21
Durham	-1	22
Alamance	-2	37
Cabarrus	-2	20
Catawba	-2	37
Gaston	-5	81



TABLE 2

Geographic Distribution of New or Relocated Manufacturing Establishments in North Carolina 1947-1954

Large Plants (100 or more employees)

Gains and Losses Among North Carolina's 100 Counties

County	Gain or Loss (Number of Plants)	Number of Plants in 1947	County	Gain or Loss (Number of Plants)	Number of Plants in 1947
<u>More than eight plants</u>			Swain	1	1
Guilford	17	69	Union	1	4
			Watauga	1	0
<u>Five to eight plants</u> (Five counties)			<u>No gain or loss</u> (Thirty-one counties)		
Mecklenburg	8	42	Brunswick	--	2
Chatham	7	4	Caldwell	--	25
Wake	7	9	Camden	--	0
Randolph	6	27	Carteret	--	2
New Hanover	5	8	Caswell	--	0
			Craven	--	3
<u>Three to four plants</u> (Fourteen counties)			Currituck	--	0
Davidson	4	26	Dare	--	0
Halifax	4	5	Franklin	--	0
Iredell	4	20	Gates	--	0
Surry	4	15	Greene	--	0
Wilkes	4	6	Haywood	--	6
Alleghany	3	0	Hertford	--	1
Bertie	3	0	Hyde	--	0
Buncombe	3	15	Jones	--	0
Columbus	3	1	Macon	--	1
Cumberland	3	9	Madison	--	0
Davie	3	1	Mitchell	--	2
Lee	3	5	Northampton	--	1
Nash	3	5	Onslow	--	0
Scotland	3	6	Pamlico	--	0
			Pasquotank	--	0
<u>One to two plants</u> (Thirty counties)			Pitt	--	7
Ashe	2	0	Rockingham	--	20
Burke	2	21	Stanly	--	8
Cherokee	2	0	Transylvania	--	6
Edgecombe	2	5	Tyrrell	--	0
Forsyth	2	35	Warren	--	1
Granville	2	2	Washington	--	3
Johnston	2	6	Wilson	--	7
Lenoir	2	7	Yadkin	--	0
Martin	2	1	<u>Loss in plants</u> (Nineteen counties)		
Montgomery	2	5	Gaston	-5	81
Moore	2	2	Robeson	-4	8
Person	2	3	Alamance	-2	37
Rutherford	2	13	Cabarrus	-2	20
Sampson	2	0	Catawba	-2	37
Yancey	2	0	Alexander	-1	5
Anson	1	4	Beaufort	-1	2
Avery	1	0	Bladen	-1	2
Duplin	1	2	Chowan	-1	2
Graham	1	0	Clay	-1	1
Harnett	1	1	Cleveland	-1	21
Henderson	1	4	Durham	-1	22
Hoke	1	0	Jackson	-1	3
McDowell	1	6	Lincoln	-1	10
Orange	1	3	Pender	-1	1
Polk	1	3	Perquimans	-1	1
Rowan	1	14	Richmond	-1	7
Stokes	1	0	Vance	-1	5
			Wayne	-1	9

# A Way To Finance School Capital Outlay

By JOHN ALEXANDER McMAHON, *Assistant Director of the Institute of Government*

## Introduction

One of the biggest problems that counties face today, and one of the chief topics of county conversation, is the financing of school capital outlay. Some people argue for the use of bonds, some argue for pay-as-you-go, and some argue for a combination of these two.

But there is more to it than this. In talking to people over the state, I find that many are concluding that there are different types of school building needs, and that these different types should be financed in different ways. The purpose of this article is to set forth these different types of needs and the conclusions being reached in some counties as to how they should be financed.

## Types of School Building Needs

There are at least three different types of school building needs, though a particular school administrative unit may not have all three at any one time:

(1) There are the backlog needs. These are needs that have arisen in the past and are as yet unfilled. Some of these date back to depression years; others began during World War II, when construction was restricted, and still others have their inception in more recent years, when building programs failed to keep pace with rapidly growing enrollment. Overcrowded schools; classes being held in basements, halls, and storage areas; overcrowded classrooms—all are evidence that a backlog exists that has not been met.

(2) There are the needs caused by annual increases in school enrollment. Many counties in recent years have experienced a regular annual increase in the number of pupils in school. Some administrative units have had increases averaging several hundred pupils per year, and some have had increases averaging several thousand per year. These increases in enrollment have brought about a regular annual need for new classrooms and other facilities just to take care of the new pupils. Even when the backlog is taken care of, these new needs continue to arise.

(3) Finally, there are the needs that arise when buildings become obsolete or are destroyed. Some build-

ings wear out, and must be replaced. Some buildings may outlive their usefulness, as for example when schools are consolidated or reorganized. Some buildings are destroyed by either fire or other causes. Even after the backlog needs have been met, and even when needs caused by annual enrollment increases are being met, obsolescence and emergencies continue to create new needs.

Some people believe that there is really no difference between the different kinds of needs described above. And some counties have treated them all alike, issuing bonds regularly to meet all three kinds. One county since the war has issued over 20 million dollars in bonds for schools, while raising less than one million dollars in its current budgets for new school facilities during the same period.

Other people believe that there is indeed a difference, and they believe that difference should be reflected in the way that the needs are met. First, they believe that bonds can and should be issued to take care of the backlog needs—to bring the schools up to date. Of course, if the backlog is small, bonds may not be necessary, and current funds coupled with the money received from the state bond issues may be enough. But more often than not, a bond issue is necessary to bring the schools up-to-date.

Second, they believe that money should be raised in the annual budget to meet the needs for new classrooms and other facilities caused by the regular annual increases in enrollment. And third, they believe that in the future, as buildings become obsolete or outlive their usefulness or are destroyed, the resulting needs can be met as circumstances dictate at the time. It may be that bonds will be necessary, particularly if annual budgets remain high, to take care of regular increases in enrollment. On the other hand, it may be that this third kind of need can be met from current budgets on a pay-as-you-go basis, or from future grants from the state or federal government.

One can see immediately that this approach is a middle ground. It is not a full pay-as-you-go basis, and it is not a full borrowing basis. A few counties, because they have been raising substantial amounts of money for

school capital outlay each year for many years, have and can continue to operate on a pay-as-you-go basis. They are most fortunate and will save large amounts of money in interest payments. A few counties have borrowed money to meet all of their capital outlay needs. This adds perhaps 50% to the cost of every building, for these counties may well pay \$50,000 in interest for every \$100,000 they borrow.

The middle ground basis described above is based on borrowing money to meet the backlog needs and bring the schools up-to-date. It then prevents a backlog from arising again by making regular provision for needs as they arise. Annual needs arising from increasing enrollment are met through the annual budget. And future needs that will arise from obsolescence and emergencies are provided for either from borrowed money, or from annual appropriations if that is feasible, or from state and federal grants if and when they become available, or from some combination of these.

Let us examine this approach in more detail. It can best be described as a two-step procedure: Step 1, eliminating the backlog; Step 2, providing for annual needs.

## Eliminating the Backlog

The first step in making adequate provision for school building needs is to eliminate the backlog—bring the schools up-to-date. Boards of education should determine, although most of them already know, what is necessary to bring the schools up-to-date. They must then convince their boards of county commissioners that these needs exist, and most commissioners are aware of the needs too.

Finally, the way to finance these needs must be decided on. In some cases, an increase in capital outlay appropriations in the current budget for several years may take care of the needs—if the needs are not too large and if the resulting impact on the tax rate will not be too great. In most cases, however, a bond issue will be necessary. At least the experience of most of the counties since the war has been that borrowing is necessary to meet the backlog. And even in some counties that have previously



resorted to borrowing, a backlog still exists and further borrowing may be necessary.

In any event, the backlog must be taken care of. The second step cannot be effectively begun until adequate provision has been made for existing needs.

### Providing for Annual Needs

The second step in meeting school building needs is to provide for the annual needs that will arise because of the regular increase in school enrollment. Many units today are experiencing a regular increase in enrollment. When there is a regular annual enrollment increase the county should raise enough revenue each year, either from property taxes or other current revenues, to build the classrooms and other facilities needed to take care of school enrollment increases in the following year. The amount of money needed can be arrived at by the board of education and board of county commissioners by determining the number of new pupils expected, the new classrooms needed to take care of the new pupils, and the average cost per classroom. This is illustrated in the following paragraphs.

**1. New pupils expected:** It is not difficult to estimate the number of new pupils expected. Pre-school censuses give the most accurate estimates. Other estimates may be available. In the absence of anything else, the average annual growth of the past few years may serve as a rough basis of estimation, adjusted to reflect trends in growth. For example, if school enrollment has increased 300 pupils each year for the past five years, an estimate of 300 new pupils for the following year is likely to be fairly reliable. On the other hand, if enrollment has increased 250, 275, 300, 325, and 350 in each of the past five years, respectively, the average of 300 might be low as an estimate of future growth; and an estimate of 375 or 400, reflecting the trend in enrollment increases, would probably be more accurate. In any event the number of new pupils expected should be re-computed each year in order that changing conditions may be taken into account.

**2. New classrooms needed:** An easy rule-of-thumb to use in estimating new classroom needs is to assume that one new classroom will be needed for each increase of 30 pupils. Dividing the estimated pupil increase by 30 will

then give the number of new classrooms needed. This rule works quite well in medium-sized and large counties, where annual increases in enrollment average several hundred or more. In small units, it may be necessary to determine more definitely the schools likely to expect an increase in enrollment, the actual increase anticipated, and the actual classrooms, if any, needed to absorb the increase. This can also be done in larger units, and may have to be done to arrive at the cost per classroom discussed in the next paragraph.

**3. Average cost per classroom:** Arriving at the average cost per classroom is the most difficult part of the procedure. The cost will vary from time to time as costs of labor and materials increase. It will vary from county to county, depending on local prices. And, it will vary also depending on other facilities needed along with the classrooms. For example, an increase of 60 pupils at a particular school might be absorbed by a two-classroom addition, with no additional expenditures for cafeteria, gymnasium, heating plant, or other facilities. The cost might, therefore, run to \$20,000 or \$25,000—an average of \$10,000 to \$12,500 per classroom. On the other hand, an increase of 180 pupils might entail the construction of a new six-room elementary building, with cafeteria and other facilities, at a total cost of \$200,000. This would be an average of \$33,000 per classroom. Thus, to get an accurate average cost it may be necessary to determine at what schools or at what new locations the classrooms will have to be added, in order to determine what other facilities, such as cafeterias, gymnasiums, auditoriums, heating plants, etc., will be needed. On the other hand, it may be possible to use a rough average based on past experience, as for example \$20,000, if that has been the average cost.

At this point, it should be noted that in some years in some counties, it may not prove feasible to add sufficient classrooms to take care of all new pupils. For example, in a particular year, it might turn out that there would be 30 additional pupils at one school. It might not be practical to add one classroom at that school, because the cost would be unnecessarily high. It would make more sense, perhaps, to wait until additional pupils made a two or four-classroom addition advisable, when the cost per classroom would be considerably

reduced, meanwhile making some temporary provision for the new pupils. But, this does not mean that the school capital outlay money ought not to be raised just the same. It will do no good to wait until the addition is needed in its entirety, for it will be all the more difficult to finance at one time than it would be to raise a smaller amount each year in anticipation of the year when the addition would be constructed. Contrary to the belief in some counties, the County Fiscal Control Act does not prevent this accumulation of funds in anticipation of needs.

An alternative approach is possible where a similar situation confronts several schools. A classroom addition in excess of immediate needs might be built at one school, though it will provide surplus space temporarily. Each school would get its addition in turn under this alternative, some, of course, in advance of others. This would necessitate give and take on the part of school officials and patrons concerned.

One final aspect must not be lost sight of. New buildings and new additions to existing buildings are not the only items of school capital outlay. The school capital outlay fund is responsible for the original purchase of buses, for library and text books, garages, equipment for existing buildings, alterations to buildings, and other items. A substantial portion of all current capital outlay appropriations is spent for these necessary items.

### Illustrating the Determination of Annual Needs

An illustration will be helpful. Let's assume that the average growth in school enrollment in recent years in a particular county has been 300 pupils per year, and every indication points to a continuous increase of the same amount. To meet this increase means the addition of ten new classrooms per year, together with other necessary facilities.

Growth in the past has been absorbed by a combination of new schools and additions to existing schools, and can be expected to continue in the same manner. Let's further assume that the average cost per classroom in the county in the past has been \$20,000. This average takes into account the cost of cafeterias, gymnasiums, auditoriums, and other facilities at new locations, where

the cost per classroom has been substantially higher. But the average is reduced because some classrooms have been added without the necessity of adding other facilities, and in such cases the classroom cost for a particular addition has been substantially less than \$20,000. This average should be satisfactory for planning purposes for the immediate future.

Based on these assumptions, ten classrooms will be needed. At an average cost of \$20,000 per classroom, a total of \$200,000 is required. To this must be added necessary appropriations for buses, books, equipment, and alterations. If in the past these latter appropriations have averaged \$40,000 per year, a total capital outlay budget of \$240,000 would be required.

Similarly, if the estimated increase in school enrollment is 3,000 pupils, 100 new classrooms and other necessary facilities would be needed. If we again assume that the average cost per classroom would amount to \$20,000, \$2,000,000 would be needed for buildings alone. A total capital outlay budget of \$2,500,000 might well be required, when provision for buses, books, and alterations is added.

### Will the Tax Rate Be Too High?

Someone is certain to say that his county just cannot afford to operate on this kind of basis. He will say that it will cause too large an increase in the tax rate, it will put the rate too high, and so on. He will say that in his county, it is just absolutely necessary to borrow the money and spread the payments out over a period of years. Let us examine this argument.

First, let us take a county with a valuation of \$85,000,000. Let us assume that it will need nine classrooms per year, at an average cost of \$20,000. This means an annual appropriation of \$180,000. If we further assume it needs \$20,000 for other capital outlay items, a total capital outlay budget of \$200,000 is required. To raise this amount on a valuation of \$85,000,000, figuring that 94% of all taxes will be collected in the year levied, means a tax rate of \$.25 for school capital outlay.

Now let us take a similar county, which also has a valuation of \$85,000,000. This county decides to issue \$1,000,000 in bonds for schools in 1956-57. Having done so, the county convinces itself that it does not have to worry for a while about school capital outlay, so it doesn't levy much of anything for the next several years.

But, new children keep coming to school. If this county also has a school population increase that requires nine new classrooms each year, it will be 45 classrooms behind in five years. To build the classrooms at \$20,000 per classroom, plus a little more to get a little ahead, the county issues another \$1,000,000 in bonds. Once again, it sits back, thinking the school capital outlay problem is solved for a while. But five years later another \$1,000,000 is needed; and so on, indefinitely.

Thus, while our first county is raising \$200,000 per year, or \$1,000,000 in five years, our second county is borrowing \$1,000,000 every five years. So both counties are raising the same number of dollars over any five-year period. But let's see what happens to the borrowing county's tax rate. Let us assume the bonds were issued for 25 years, with equal principal payments of \$40,000 falling due each year, and with an interest rate of 3%. (And interest rates today are higher than this, whether temporarily or not, no one can say.) And let us assume, in order to keep the example as simple as possible, that the assessed valuation remains at \$85,000,000.

Over a 25-year period, the borrowing county will raise \$5,000,000. But it will spend \$2,000,000 in interest before the money is re-paid, and if interest rates continue to rise, it will spend more.

The cost of borrowing is reflected in the tax rate. Remember that the first county's capital outlay tax rate remained steady at \$.25 per \$100. Our borrowing county will have a debt service tax rate of \$.24 after the third \$1,000,000 bond issue, in 1967-68. And after the fifth \$1,000,000 bond issue, in 1977-78, it will have a debt service tax rate of \$.36 per \$100, almost 50% higher than the first county that raised the same amount of money year by year.

We must therefore conclude that the answer to the question, "Will the tax rate be too high?" is a solid "No." Because if the county borrows money to meet its annual needs to take care of annual enrollment increases, it will cost more money and result in a higher tax rate in the long run.

### Conclusion

I began this article by saying that there are a number of ways to finance school building needs. I shall end it by saying that the way discussed

here is only one way. It is working well in some counties and will work well in others. Other counties may, however, because of their own particular situation, find that other ways will work better.

The way discussed here has the advantage of making regular provision for recurring building needs. In so doing, it saves a county's borrowing capacity for the unusual problems—the obsolescence and emergencies that may in the future require that money be borrowed. And it saves money that would otherwise be paid out in interest, because it reduces the amount of money that must be borrowed.

To follow this plan will require cooperation between boards of education and boards of county commissioners. But cooperation is necessary if we are to do the best we can for the school children within the limits of what the taxpayers can afford.

### Geographic Distribution of Plants

(Continued from page 12)

gain nor loss, five were Mountain, six Piedmont, and 20 Coastal. It will be noted that, with the exception of Caldwell and Rockingham counties, those counties which retained their 1947 *status quo* over the seven-year period had few or no large plants in 1947.

#### Losses

Of the 19 counties which lost plants during the study period, seven were Coastal, ten Piedmont, and two Mountain. Losses ranged between one and five plants, with Gaston County absorbing the greatest numerical loss.

### The Relationship Between 1947 Plant Population and New Plant Location

Table 3 shows the extent of gains and losses among the 15 counties having 20 or more large plants in 1947. It will be observed that there appears to be no consistent relationship between a large 1947 plant population and the rate of this population gain during the 1947-1954 period. Five of these counties showed substantial to significant gains (ranging from four to seventeen plants), two showed slight gains (two plants), two showed neither gain nor loss, and five showed plant losses during the study period. It is interesting to note that while Guilford County (1947



# THE ATTORNEY GENERAL RULES . . .

## CRIMINAL PROCEDURE

**Appearance in misdemeanor cases through agent or attorney.** You state that it has been the practice of your court to allow persons charged with certain traffic violations to sign a written power of attorney for the purpose of entering a plea of guilty. The power of attorney has normally been exercised by an assistant or deputy clerk of the Recorder's Court, who is in no case an attorney at law. You then pose the following questions:

(a) Must such powers of attorney be exercised by an attorney at law?

(b) Should the power of attorney authorize the plea of guilty and waiver of appearance?

(c) Should the power of attorney include an authority to accept service?

To: John E. Davenport

(A.G.) In a misdemeanor case not punishable by imprisonment, the defendant may with the permission of the court sitting as such, waive personal appearance and appear in court

plant population, 69) heads the list with a gain of 17 plants, Gaston County (1947 plant population, 81) is at the foot of the list with a loss of five plants during this period. As has been observed above, many of the counties in which there were few or no large plants in 1947 experienced no growth during the seven-year study period.

## Plant Additions in the Vicinity of North Carolina's Largest Cities

Table 4 shows the relative gains and losses among the counties containing North Carolina's six standard metropolitan areas. As defined by the Federal Committee on Standard Metropolitan Areas of the U. S. Bureau of the Budget, these are integrated economic and social units with a large volume of daily travel and communication between the central city (50,000 or more population) and the outlying parts of the area. Each area consists of at least one whole county.

It will be observed that Guilford County heads the list in volume of gain, while Durham County is the only area which lost in plant population during this period. As is shown in Table 1, three of the standard metropolitan areas, Guilford, Mecklenburg, and Wake counties, achieved the most substantial gains in new large plant population.

*through his counsel but not through some other agent.*

## PROPERTY TAXES

**Release of tax lien on real estate.** In 1956 a husband and wife listed one parcel of real estate for taxation, and in the same year they listed their personal property on a separate abstract. The land was mortgaged, and they made payments into an escrow account sufficient to pay the taxes on the land but not sufficient to pay, in addition, the taxes on their personal property. The mortgagee tendered to the tax collector funds sufficient to pay the tax on the realty, contending that since it had been listed separately he was entitled to have the lien against the real estate released without paying anything more. The tax collector contended otherwise, and upon that point an opinion was sought.

To: I. R. Williams and W. Harold Mitchell

(A.G.) The fact that the real estate and the personal property were listed on different abstracts is not determinative of the question presented. G.S. 105-340 imposes the lien of taxes on personal property upon all real estate owned by the same taxpayer in the same taxing unit, and G.S. 105-376(b) sets out the manner in which the lien against realty may be discharged. Since only one parcel of real estate is involved, the matter of paying a proportionate part of the tax against the personal property does not arise. Of course, the tax collector may accept the money tendered by the mortgagee and issue a *partial payment* receipt but, in my opinion, the tax receipt upon the realty should not be surrendered and the lien released until the taxes against the personal property are paid.

If, on the other hand, the husband and wife had owned more than one tract of land and the mortgagee had tendered the amount due as taxes on the mortgaged parcel, plus a proportionate part of the taxes due on their personal property computed under G.S. 105-376(b), the tax collector would have been required to accept it and release the mortgaged tract from the tax lien. He would have had no alternative; the statute is mandatory.

## MUNICIPAL CORPORATIONS

**Deposit and investment of municipal funds.** May surplus municipal funds be deposited in a savings and loan association?

To: Archie L. Smith

(A.G.) Such funds may only be deposited in a bank, banks, or trust company designated by the governing body. See G.S. 160-411.4 (1955 Cumulative Supplement). I do not know whether this has ever been interpreted to include building and loan or savings and loan associations.

Sinking funds may, however, be invested in shares of these associations under the provisions of G.S. 159-25.

**Municipal regulation of charges for drayage or cartage within city limits.** May a municipality set the rates for drayage or cartage charges made for such services within the city limits?

To: John D. Shaw

(A.G.) While the municipality may regulate the movement of traffic over its streets under its police powers, and while G.S. 62-121.8, *Exemption from Regulations* provides that none of the provisions of the 1947 Truck Act shall be construed to prohibit or regulate the transportation of property by any motor carrier when the movement is within a municipality or within contiguous municipalities or within a zone adjacent to and commercially a part of such municipality or contiguous municipalities, this does not give the right to the municipality to regulate charges for drayage or cartage rates within the city limits.

## COUNTIES

**Operation of two jails.** Our present jail facilities are inadequate, and the board of commissioners is considering building additional quarters at another location three miles from the courthouse where the present jail is located. G.S. 153-51 requires that the county jail have five separate apartments. Under the proposed plan three of the required apartments would be provided at the courthouse, and two would be provided at the new structure. Neither alone would be sufficient, but together they would provide the required five apartments. Is this plan legal?

To: Thomas C. Hoyle

(A.G.) The proposed jail, housed in two separate structures, would meet the requirement of G.S. 153-51, and the two structures together would jointly constitute the county jail.

## PUBLIC CONTRACTS

**State buildings exempt from municipal building requirements.** Is a local building code ordinance imposing fees for inspection of buildings by the building inspector on the owner or contractor applicable to an armory constructed for the state or the federal government by a private contractor following a public letting?

To: Messrs. Thorp and Thorp

(A.G.) G.S. 143-135.1 provides that buildings constructed by the state or any agency or institution of the state under plans and specifications approved by the Budget Bureau shall not be subject to inspection by any municipal authority, building codes or requirements, or inspection fees fixed by municipalities except where requested by the owning agency. Armories built for the North Carolina National Guard are within

(Continued on page 18)

## Books of Current Interest

**LEGAL CONTROL OF THE PRESS** (3rd edition), by *Frank Thayer*. *Brooklyn 1: The Foundation Press, Inc., 268 Flatbush Avenue Extension, 1956. 749 pp. \$6.50.*

With the communications media having obtained the importance they have in the daily lives of the average citizen, no more pertinent book has yet appeared for the newspaper man than this volume. In it, the author states that he has emphasized "the fundamental areas affecting communication by printed page and over the air, including libel, privacy, contempt, copyright, and regulation of advertising." New cases have been added to bring the volume up-to-date.

**LAW AND PRESS: THE LEGAL ASPECTS OF NEWS REPORTING, EDITING AND PUBLISHING IN NORTH CAROLINA** (Revised edition), by *William C. Lassiter*. *Raleigh: Edwards & Broughton Company, 1956. 262 pp. \$7.50.*

Mr. Lassiter, who is General Counsel for the North Carolina Press Association and a teacher of journalism at the University of North Carolina, has written this volume as a "guide-book for the working newspaper man who chooses North Carolina as his theatre of operations." The author, with a thoroughness and competence of one who has dealt with legal aspects of newspaper reporting for more than 18 years, has set forth the legal principles established by the Supreme Court of North Carolina and the statutory enactments of the North Carolina areas in which no legislative or judicial action has taken place. However, in an effort to bridge this gap, he has stated, with adequate reasoning, what the law "ought to be" and has presented general guides based on those principles established by other jurisdictions.

**PARKER ON POLICE**, edited by *O. W. Wilson*. *Springfield, Illinois: Charles C. Thomas, Publisher, 1957. 235 pp. \$4.75.*

This volume is a collection of addresses and articles of William H. Parker, Chief of Police of the City of Los Angeles. Chief Parker, whose hna General Assembly as well as the name is synonymous with efficient law enforcement and whose police

department has become world famous, discusses police planning, legal restrictions imposed on police, public relations, traffic, and police administration, among other subjects. Another volume to be added to the Thomas list of outstanding books for the law enforcement officer.

**MANUAL FOR PROSECUTING ATTORNEYS**, edited by *Morris Ploscowe*. *New York 7: Practising Law Institute, 20 Vesey Street, 1956. 697 pp. \$5.00.*

**AMERICAN LOCAL GOVERNMENT AND ADMINISTRATION**, by *Harold Freed Alderfer*. *New York 11: The Macmillan Company, 60 Fifth Avenue, 1956. 662 pp. \$5.90.*

**THE PATTERN OF MANAGEMENT**, by *Lyndall F. Urwick*. *Minneapolis: The University of Minnesota Press, 1956. 100 pp. \$2.50.*

### Local Taxation (Continued from page 10)

Assessment of real and tangible personal property is already a difficult problem, and tax supervisors will find themselves in still more difficulty in trying to determine "the true market value"<sup>24</sup> of a merchant's good will, an author's copyright, or a manufacturer's patents, secret processes and formulae. But this should not be a signal for further attempts at constitutionally questionable legislative exemptions.<sup>25</sup> Local tax authorities should tackle the assessment problem and, if necessary, get expert assistance.<sup>26</sup>

If leasehold interests are taxable for the current year they have been taxable ever since the current property tax law was enacted. Thus, it is apparent that tax supervisors seeking to follow the Supreme Court's decision in all its implications will be concerned with listing locally taxable intangibles for as many as five years in addition to the current year under the usual discovery provisions of the Machinery Act.<sup>27</sup>

<sup>24</sup> G.S. 105-294.

<sup>25</sup> In at least one other state there have been efforts to obtain legislation to reduce the impact of the *Offutt* and kindred decisions. See *News Letter*, County Supervisors Association of California, February 12, 1957, p. 1.

<sup>26</sup> G.S. 105-291.

<sup>27</sup> G.S. 105-331(3).

### Attorney General Rules (Continued from page 17)

the meaning of the words "buildings constructed by the state or any agency or institution of the state" as used in the statute. Therefore, the municipal building code ordinance does not apply to the construction of the armory and no inspection fees may be charged, unless the state requests an inspection.

### Clearinghouse (Continued from page 2)

**Capt. Walter Hutchinson**, for 30 years a member of the Greensboro Fire Department, died suddenly on January 15 after suffering a heart attack. He was 53 years old.

\* \* \*

Graham has a new city clerk and a new acting police chief. **Lawrence John (Larry) Ohleyer** of Burlington was appointed city clerk to succeed **George Phillips** who resigned. **G. Otis Massey**, a Graham policeman, was appointed acting chief to succeed **Duke B. Paris**, who resigned also.

\* \* \*

**J. B. Hall** of Scotland Neck retired January 1, from his post as superintendent of the county's department of public welfare, after 33 years of service.

\* \* \*

**Judge Clarence V. Cannon**, 70, of Ayden died January 19 in Lenoir Memorial Hospital in Kinston. He had been judge of Ayden Recorder's Court for ten years.

\* \* \*

**Miss Mary Ballard Bunn** was presented recently a diamond-studded watch from friends upon her retirement as Edgecombe County Register of Deeds. She had held that position for 33 years and was Deputy Register of Deeds before that. **Miss Mace Edmondson** will succeed Miss Bunn.

\* \* \*

**Allison W. Honeycutt** retired December 31 as chief of the State Agency for Surplus Property. He had headed the agency since it was established nearly 12 years ago and had supervised the distribution of millions of dollars worth of surplus federal property to schools, institutions, and hospitals. **R. W. House**, a Franklin County native, replaced Mr. Honeycutt.



## City Notes

**Kinston** has accepted a bid of \$23,507.50 for 500 parking meters—250 of them to replace worn-out, existing meters and 250 of them as new installations.

The rising cost of living has struck the rates that the **Greensboro** City Council has set for water, sewer, and street paving improvements. The council has increased the lineal foot charge to property owners for sewer installations from \$1 to \$1.50 per foot; for water lines, from \$1.50 to \$2 per foot; and for paving, from \$6 to \$6.50 per foot.

**High Pointers** recently learned the hard way what it is like without a municipal water supply. They were without the precious liquid for 24 hours when a new 12-foot section of a 24-inch line at the raw water pumping station on Deep River at Jamestown gave way after workmen had completed installation of a new pump.

**Charlotte's** old steam pumper fire engine, which battled blazes in the early 1900's, will be enshrined in glass by the East Boulevard Fire Station. A small glass house will be built opposite the entrance to Freedom Park for the ancient engine.

Contracts for the addition to **Greensboro's** South Buffalo Disposal Plant, amounting to \$1,195,930, have been awarded by the City Council.

A final report has been accepted and approved by the **Asheville** City Council recommending construction of a \$2,171,250 all-weather, 24-hour airport at Arden. Distribution of total cost would be 50-50 between city and federal governments.

Over 1,500 people turned up at the **Lenoir** Police Station October 25 and 26, but they were there for pleasure. The policemen were having open house for the public, to show off their new Church Street headquarters. The painting, floor work, and arrangement of furniture were done by the Lenoir policemen on their own time.

**Mocksville** voters recently approved the issuance of \$225,000 in Sanitary Sewer Bonds. These bonds will provide funds for enlarging and extending the sanitary sewer system, including the construction of sewage treat-

ment plants and additional sewer mains and lines.

A traffic safety organization for **Charlotte and Mecklenburg County** is now a reality. A group of citizens recently took formal action on its creation. The name adopted was "Citizens Traffic Safety Association of Charlotte and Mecklenburg County." The object of the movement is to reduce traffic accidents and promote safety on other fronts.

A proposed bond issue totaling \$400,000 is expected to go before the residents of **Clinton** about the middle of March. The issue will be decided in a special election. The money to be spent for city improvements is as follows: (1) \$125,000 for the purchase of a tract of land and the construction of a City Hall thereon; (2) \$60,000 for street equipment; (3) \$30,000 for the construction of an addition to the fire station, the purchase of a new fire truck, and other fire fighting equipment; and (4) \$185,000 for street improvement projects throughout the city.

Fourteen **Winston-Salem** police officers are attending an eight-week school that requires 348 hours of instruction. They are rookies that have joined the Police Department since the last training school was held. All phases of law enforcement,

record-keeping, courtroom procedures, and public relations will be covered in the 38 subjects to be taught by 29 instructors.

A nine million dollar bond package will be presented to **Charlotte** voters in the near future. The bond program is as follows: Memorial Hospital bonds, \$4,000,000; water bonds, \$1,500,000; street improvement bonds, \$1,500,000; grade separation bonds, \$1,500,000; sanitary sewer bonds, \$200,000; and fire station bonds, \$300,000.

**New Bern** has finally found an electrical "Pied Piper" device to rid the town clock tower of starlings for the first time in 18 years. Over the years, city officials had tried a number of things to free themselves of the birds. The new gadget sounds off at 30-second intervals with the distress cry of trapped starlings; the birds are sleeping elsewhere now.

The new year brought a new distinction to **Winston-Salem** as it became the second Tar Heel city with a population topping 100,000. It formally annexed 11.7 square miles on January 1.

A new municipal building has been completed in **Chadbourn**; it will be used as a fire and police station, as well as serving as the town hall.



**GUILFORD COUNTY OFFICIALS MEET.** Periodically, local government officials in various parts of the state get together to discuss their mutual problems. One such group that has met regularly over the years is this group from Guilford County: the county commissioners, county manager, and county attorney; and the mayors, councilmen, managers, and attorneys of Greensboro, High Point, Gibsonville, Hamilton Lakes, and Jamestown.

Recently, these officials met with their representatives to the General Assembly to discuss their legislative proposals, both general and local. This meeting gave the 50 people present a clearer picture of the legislative problems faced by other local governments and gave them a chance to talk informally and become better acquainted in the process.

The business session was preceded by a buffet supper. Part of those attending are pictured listening to the discussion.

## Salute to Laurinburg

The people of **Laurinburg** are full of pride these days, and justifiably so, considering that they now live in North Carolina's first and only officially designated "All-America" city. It all came about in recent weeks when Laurinburg citizens pointed out some of their outstanding community accomplishments, and a 12-person jury, headed by Dr. George Gallup of poll-taking fame, and representing the National Municipal League and Look Magazine, added the "All-America" label on the strength of the evidence presented.

## Notes From Here and There

**Texas** does everything in a big way, even to making mistakes. About 200,000 Texans went to the polls in November in a "mistake" election that cost about a quarter of a million dollars. The voting was on an amendment to the state constitution that was intended for the ballot in a previous general election. But the legislative act calling for the proposal cited the "second Tuesday in November" instead of the "first Tuesday after the first Monday."

**Cincinnati, O.**, recently passed an ordinance providing that policemen and firemen disabled in the performance of duty shall be entitled to full salary for the whole period of the disability not exceeding one year.

**San Jose, Calif.**, has instituted optical examinations for city personnel and prospective employees. Requirements were established for all of the city's 195 job specifications. On the bases of these requirements, the examiner can, within a period of seven or eight minutes, decide whether the prospective employee's eyesight is adequate for the job. If the job applicant fails the test and passes other physical requirements, he may be hired after he gets the necessary glasses and shows that the defect has been corrected.

Travelling roller skating rinks have been part of the city recreation program in **Los Angeles, Calif.**, for the past year. Recreation center auditoriums and community buildings with large surfaces adaptable to roller rinks are used. Six travelling units

rotate from location to location on a fixed schedule. A skating unit includes 144 pairs of skates, ticket rolls, record album, and all other equipment necessary to the skate program. Each unit is under the supervision of trained skating personnel, and a full-time person is employed to oversee the entire program.

The **International Association of Chiefs of Police** at its 63rd annual conference condemned drag strips and advised law enforcement agencies to meet this problem by encouraging high school driver training.

The **Columbia, S. C.**, city council has appointed five Protestant ministers, a Catholic priest, and a Jewish rabbi as chaplains to the municipal police department. The group, including two Negro ministers, will serve also the county juvenile and domestic relations court upon request. The chaplains will offer spiritual guidance and moral counseling for adult prisoners, juvenile offenders, and their parents. Each chaplain will work with those of his own faith to assist police and court officers with the rehabilitation of law breakers and will provide liaison with local churches. The chaplains will study literature on crime, juvenile delinquency, and social welfare and will attend classes for briefings by police and court officials. The chaplains have been appointed for four years without pay.

**Roanoke, Va.**, has used a suggestion box radio program for seven years to broadcast ideas, suggestions, and complaints of citizens that are answered over the air by City Manager Arthur S. Owens. The program is broadcast each Wednesday evening, and the city manager appears with a representative of the local newspaper to answer the questions submitted by mail or telephone. Any idea accepted on the program rates the ringing of a bell. Most of these suggestions deal with dogs and traffic. The complaints about dogs have decreased since the city hired a dog warden in 1955, but the traffic problems continue. Most of the major improvements made in the Roanoke street system since 1949 were recommended in letters received for the suggestion box program.

**Englewood, N. J.**, has recently adopted an off-street parking program based upon a comprehensive

survey on parking and traffic by members of the administrative staff in cooperation with an outside consultant. The council has appropriated \$385,000 for the acquisition and improvement of off-street parking sites located in and near the business district of the city. Approximately 450 to 500 new off-street spaces for shoppers and long-term parkers will be provided. The new sites will be in operation by this summer. . . . **Midland, Tex.**, is enforcing a parking ban between the hours of 2 a.m. and 5 a.m. to enable city street sweepers to clean downtown streets at night. For two weeks prior to the enforcement of the regulation police officers on night duty issued courtesy tickets to violators to acquaint them with the ban. All of the streets have signs indicating the time when parking is prohibited. . . . A night parking ban prohibiting more than 30 minutes parking between 2 a.m. and 4 a.m. in **Covina, Calif.**, has resulted in a reduction of burglary and vandalism. The all night parking ban has facilitated the cleaning of streets, lessened the possibility of cars being stolen, and reduced hit and run accidents.

## Foresters Attend Training School

The Institute of Government's Second Annual Forest Law Enforcement School was held January 21-25 at the Joseph Palmer Knapp building. Neal Forney, assistant director of the Institute, was in charge of the school.

More than 50 agents of the Forest Division of the North Carolina Department of Conservation and Development under the direction of State Forester F. H. Claridge attended. In addition to this group, there were a number of representatives of state and federal law enforcement agencies in surrounding states present for the school.

Instruction for the school was divided between classroom lectures and practical problems which were set up at the Institute of Government's Clear Water Springs firearms ranges located two miles south of Chapel Hill.

Instructors for the school and their subjects were Mr. Claridge, division policy on law enforcement and guide book study; W. G. O'Neal of the N. C. Department of Insurance, criminal interrogation; Paul B. Calhoun, chief of the Greensboro Police De-



partment, enforcement tactics and public reaction; Basil Sherrill of Burlington, attorney at law and former assistant director of the Institute, legal aspects of woodland fires, wording of issuance warrants, defense and prosecution—the attorney and case in court, and the law of arrest; James B. Hubbard, administrative forester

of the N. C. Department of Conservation and Development, division policy on law enforcement, guide book study, testifying in court, and public information releases on investigations; Ralph C. Winkworth, fire prevention forester of the N. C. Department of Conservation and Development, division policy on law enforcement, mo-

tives for incendiary fires, guide book study, testifying in court, and recording investigative information; and Mr. Forney, investigative techniques (latent fingerprints and plaster casts), interviewing, psychological problems of the juvenile, deviate, and psychopath, collection and presentation of evidence, and public information releases on investigations.



Second Annual Forest Law Enforcement School, January 21-25.

### Publications For Sale

(Continued from other side)

- County salary determination and administration in North Carolina, by Donald B. Hayman. 1952. \$0.50; \$1.00 out-of-state.
- Driver education in high schools; an inquiry into costs, results, and related factors, by Edward Lane-Reticker. 1953; reissued, 1956. \$0.75.
- Handbook of North Carolina state agencies. 1955. \$5.00.
- North Carolina materials on family law supplementing Compton, Cases on domestic relations, by Roddey M. Ligon, Jr. 1955. \$4.00.
- Public libraries in North Carolina: proceedings of the First Trustee-Librarian Institute, March 22, 1952, edited by George H. Esser, Jr. 1952. \$1.00.
- Report on the 1953-55 Commission on Reorganization of State Government, by Robert E. Giles. 1955. \$0.50.

- The reports of the 1953-1955 Commission on Reorganization of State Government. [1955] 8 reports in 1 volume. \$2.00.
- State v. Roman: an investigative masterpiece. (The law enforcing officer, vol. 1, no. 4.) 1952. \$0.25.
- Stream pollution in North Carolina, by Philip P. Green, Jr. and others. 1951. \$1.00.
- Study of administrative procedure before examining and licensing boards in North Carolina, by Max O. Cogburn and Ernest W. Machen, Jr. 1953. \$2.00.
- Summary of 1951 legislation [of the] General Assembly of North Carolina. [1951] \$1.50.
- Summary of 1953 legislation [of the] General Assembly of North Carolina. [1953] \$2.50.
- Summary of 1955 legislation [of the] General Assembly of North Carolina. [1955] \$2.00.
- Title examination in North Carolina, by Charles T. Boyd. [1946] \$1.00.
- The story of the Institute of Government, by Albert Coates. 1944. Free.

# 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.

## Bulletins

### County finance bulletins:

- #1 County federal excise tax exemptions. 1952. \$0.25.
- #4 An explanation of budgetary and accounting procedures prescribed by the new County Fiscal Control Act. 1955. \$0.50.
- #6 Accounting for welfare funds. 1956. \$0.50.
- #7 Budget information for 1956-57. 1956. \$0.25.

A directory of planning and zoning officials in North Carolina. 1955. \$0.25.

### Municipal finance bulletin:

- #1 An explanation of budgetary and accounting procedures prescribed by the new Municipal Control Act. 1955. \$0.50.

1951 legislation affecting property and dog tax administration. 1951. \$0.50.

### Property tax bulletins:

- #1 1951 county tax rates. 1952. \$0.50.
- #2 The Office of Tax Supervisor; listing and assessment machinery in North Carolina. 1952. \$0.50.
- #4 How does your county stand? 1953. \$0.50.
- #5 1953 legislation affecting property tax administration. 1953. \$0.50.
- #6 Property tax assessment notes from other states. 1953. \$0.50.
- #7 Amendments to the listing and assessing provisions of the Machinery Act of 1954. \$0.50.
- #8 Allowing discounts for the prepayment of property taxes. 1954. \$0.50.
- #9 Amendments to the tax collection provisions of the Machinery Act of 1939. 1954. \$0.50.
- #10 Collecting property taxes from persons and property in North Carolina outside the taxing unit. 1955. \$0.50.
- #11 1955 legislation affecting property tax administration. 1955. \$0.50.
- #12 How does your county stand? Second report. 1955. \$0.50.
- #13 The reduction, release, compromise, and refund of county and city property tax claims—revised. 1955. \$0.50.

Purchasing bulletins for local government, monthly: #1, October 1955—. \$1.00 a year; \$0.25 single copy.

## Guidebooks

Administrative procedure: occupational licensing boards. Cooperative agricultural extension work in North Carolina, by John Alexander McMahon. 1955. \$0.50.

County commissioner responsibility in budget making and administration, by John Alexander McMahon. 1954. (A companion study of County finance bulletin #4). \$1.50.

The foreclosure of city and county property taxes and special assessments in North Carolina, by Peyton B. Abbott. 1944. \$2.50.

Guidebook for accounting in cities, by John Alexander McMahon. 1952. \$2.00.

Guidebook for accounting in small towns, by John Alexander McMahon. 1952. \$1.50.

Guidebook for county accountants, by John Alexander McMahon. 1951. \$2.00.

Guidebook for county and precinct election officials, by Henry W. Lewis. 1956. \$0.50; \$1.00 out-of-state.

Guidebook for wildlife protectors, by Willis Clifton Bumgarner. 1955. \$2.00.

Guidebook on the jurisdiction of the State Highway Patrol, by Ernest W. Machen, Jr. 1951. \$0.50.

Investigation of arson and other unlawful burnings, by Richard A. Myren. 1956. \$1.50.

Law enforcement in forest fire protection, by Richard A. Myren. 1956. \$1.00.

Investigation of arson and other unlawful burnings, by Richard A. Myren. 1956. \$1.00.

Municipal budget making and administration, by John A. McMahon. 1952. (A companion study of Municipal finance bulletin #1). \$1.50.

Notary public guidebook, by Royal G. Shannonhouse and W. C. Bumgarner. 1956. \$2.00.

Preparation for revaluation, by Henry W. Lewis. 1956. \$5.00.

Preparation for revaluation, by Henry W. Lewis. 1956. \$5.00.

Public school budget law in North Carolina, by John Alexander McMahon. 1956. \$1.50.

Public welfare programs in North Carolina, by John A. McMahon. 1954. \$1.50.

Sources of county revenue, by John Alexander McMahon. 1954. \$1.00.

Sources of municipal revenue, by John Alexander McMahon. 1953. \$1.00.

Traffic control and accident investigation, by the Federal Bureau of Investigation. 1947. \$1.00.

## LAW AND GOVERNMENT

(Succeeding Law and Administration)

The General Assembly of North Carolina—organization and procedure, by Henry W. Lewis. 1952. \$1.50.

The law of arrest, by Ernest W. Machen, Jr. 1950. \$1.50.— Supplement. 1955. Free.

Legislative committees in North Carolina, by Henry W. Lewis. 1952. \$1.50.

The school segregation decision, by James C. N. Paul. 1954. \$2.00.

Social security and state and local retirement in North Carolina, by Donald B. Hayman. 1953. \$2.00.

Zoning in North Carolina, by Philip P. Green, Jr. 1952. \$3.50.

## Special Studies

County privilege license taxes in North Carolina . . . by George H. Esser and John Webb. 1956. \$0.75.

Forms of city government in North Carolina, by George H. Esser, Jr. 1955. \$0.75.

North Carolina old age assistance lien law, by Roddey M. Ligon, Jr. 1955. \$0.75.

Problems involved in separating the Prison System from the State Highway and Public Works Commission, by V. L. Bounds. 1953. \$0.50.

A report to the Forsyth Board of County Commissioners and the Winston-Salem Board of Aldermen concerning county-city financial relationships, by John Alexander McMahon and George H. Esser, Jr. 1955. (A companion study of A Study of Seven Large Counties and Seven Large Cities.) \$2.50.

Salaries, working hours, vacation, and sick leave of county employees in North Carolina, by Donald B. Hayman. 1956. \$1.00.

Statutory limits on city license taxes in North Carolina, by George H. Esser, Jr. and John Webb. 1956. \$2.00.

A study of seven large counties and seven large cities, by John Alexander McMahon. 1955. (A companion study of A Report to the Forsyth Board of County Commissioners and the Winston-Salem Board of Aldermen Concerning County-City Financial Relationships.) \$2.50.

## General Publications

Calendar of duties for city officials, 1956-57. 1956. \$0.50.

Calendar of duties for county officials, 1956-57. 1956. \$0.50.

Changes in the motor vehicle laws of North Carolina, Chapter 20 of the General Statutes, enacted by the General Assembly of 1955, by Edward Lane-Reticker. 1955. \$1.00.

Coroners in North Carolina: a discussion of their problems, by Richard A. Myren. 1953. \$1.50.