

# Popular Government

*May 1957*



*The Open Road to Spring*

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## CONTENTS

THE CLEARINGHOUSE	1
School for Municipal Finance Officers Held	1
A Note of Appreciation to Davidson County	1
J. D. Davis to Head Tax Collectors Group for Coming Year	1
Court Clerks Plan July Convention in Winston-Salem	2
List of Institute Publications Available	2
Personnel Notes	2
Notes from A to Z	2
PUBLIC PERSONNEL	3
GEOGRAPHIC DISTRIBUTION OF NEW MANUFACTURING ESTABLISHMENTS IN NORTH CAROLINA, 1947-1956. Part II: Medium-Sized Plants (20-99 employees) Lo- cation in North Carolina, 1947-1954	4
MARRIAGES BEFORE JUSTICES OF THE PEACE	7
THE ATTORNEY GENERAL RULES	8
BOOKS OF CURRENT INTEREST	12

## COVER

*One of the vantage points in the mountains of North Carolina from which to view spring flowers or autumn color is Wolf Laurel Gap, near Mile-High Overlook. Leading from Soco Gap into the Great Smokies, this open door to spring invites all on-lookers to cross over into warm weather living. (N. C. News Bureau Photo.)*

# THE CLEARINGHOUSE

## School For Municipal Finance Officers Held

The annual school for municipal finance officers was held from April 23 to 25. This was the first finance officers' school in the Institute of Government's new home in Chapel Hill, the Joseph Palmer Knapp Building. The school was highlighted by an address by Albert Coates, director of the Institute, following a buffet supper on the second day, in which he described the development of the Institute with particular reference to the new building.

The opening session Tuesday afternoon was devoted to a discussion by George H. Esser, Jr., and Warren J. Wicker of the financing of basic municipal services, including the use of special assessment policies, utility extension policies, and rate structures for utilities. Brief summaries of the discussion may be found in an article by Mr. Esser in the April 1957 POPULAR GOVERNMENT, entitled "Urban Growth and Municipal Services," and an article by Mr. Wicker in the May 1956 POPULAR GOVERNMENT, entitled "Financing Local Improvements in N. C. Cities over 10,000."

The session Wednesday morning was devoted to an examination of financial statements, financial reports, and public relations releases. Along with the discussion, led by Alex McMahon, there was an exhibit of budgets, financial reports and statements, and graphic presentations of financial data used by cities and towns in North Carolina and throughout the country.

The Wednesday afternoon session examined tax problems facing finance

The Institute of Government extends its hearty and sincere thanks to Davidson County for the generous response made to a request for Session Laws. We sincerely appreciate this effort and all others made in the past to build the Institute of Government Library to the point where it can serve the state most effectively. The gift was arranged through Matthew P. Cooper, Clerk of Superior Court.

officers. Henry W. Lewis led a discussion on rebates and refunds of taxes, the "insolvent list," and the settlement of the tax collector. Mr. McMahon led a discussion on accounting for taxes.

The final session Thursday morning included a discussion of the relationships between a municipality and its banks, a discussion of the creation and use of capital reserve funds (including an examination of the provisions of HB 855, recently introduced in the 1957 General Assembly, authorizing municipalities to create capital reserve funds), and a review of other legislation pending before the General Assembly of interest to finance officers.

The North Carolina Public Finance Officers Association held a brief business meeting at the close of the final session. President L. L. Ledbetter of Charlotte discussed plans for the Association's program in conjunction with the annual convention of the North Carolina League of Municipalities.

## J. D. David To Head Tax Collectors Group For Coming Year

J. Douglas David of Moore County was elected president of the North Carolina Tax Collectors Association at the annual conference of that organization held at the Joseph Palmer Knapp Building March 20-22.

Other tax collectors elected to office were Ernest J. Ward, Jr. of Edenton, first vice-president; James W. Pierce of Northampton County, second vice-president; and J. Arvol Hepler of Winston-Salem and Forsyth County, third vice-president. The Institute of Government serves as secretary for the association.

Approximately 75 people attended the three-day conference which was devoted primarily to technical sessions on the problems a tax collector encounters. Speakers for the conference were Edward S. Swindell, Durham County manager; Thomas A. Banks, Eddy S. Merritt, W. Harold Mitchell, Emory S. Denny, William W. Staton and Charles Mauze, all either county or municipal attorneys.

A dinner meeting was held on Thursday evening, March 21. Robert J. Miller of Lexington, special committee chairman, presided, and entertainment was provided by A. B. Harrington of Sanford.

Conference committees appointed by retiring President James Sherrill were the nominations committee composed of Chairman Kirby Harris of Laurinburg, Bryan D. Medford of Haywood County, Kyle Williams of Thomasville and S. C. Tillman of Person County; resolutions commit-



Municipal Finance Officers attend session on financing basic municipal services.

tee composed of Chairman George Wilkinson of Catawba County, W. G. Cherry of Rocky Mount, James Pierce of Northampton County and E. L. Broyles of Hickory.

Resolutions proposed by the resolutions committee and adopted by the association are as follows:

1. The Association commends the present legislative committee for the fine work they did this past year. The legislative committee consists of R. S. Gidney, chairman, Cleveland County; W. T. Mason, City of Greensboro; M. G. Williams, Lenoir County; L. C. Gardner, Town of Mebane; W. F. Hester, Guilford County; and W. G. Royster, City of Henderson.

2. The Association commends Robert J. Miller and his committee for the fine job they did in planning and making such a success of our first banquet. It is recommended that this be made a regular part of all future annual meetings.

3. The Association authorizes our new president to appoint a legislative committee for the coming year with the suggestion that the presently constituted legislative committee continue to serve for the duration of this session of the North Carolina General Assembly.

4. The Association authorizes our new president to appoint any other committee that he may deem proper and necessary.

5. The Association extends to Henry W. Lewis and the Institute of Government our sincere appreciation for preparing and conducting our meeting this year and for their efforts in providing the wonderful facilities of this new Institute Building.

6. The Association desires to express to Plato W. Davenport its appreciation for his work in behalf of the Association during the past years and its best wishes for a speedy recovery from his recent illness.

C. N. Alston, retiring tax collector of Concord, and W. A. Mickle, retired Winston-Salem and Forsyth County collector, were made honorary members of the Association.

A five-day school for new tax collectors and other tax collection office personnel is planned by the Institute of Government for June 10-14.

## Court Clerks Plan July Convention in Winston-Salem

Plans have been made for the 39th annual convention of the N. C. Association of Superior Court Clerks to be held in Winston-Salem July 3-6.

The program committee of the Association met on April 16 in the office of W. E. Church, Forsyth County Clerk, to formulate plans and work out details for the meeting. Included in the planning group were W. E. Church, chairman; Joseph P. Shore, clerk of Guilford County; Kermit Lawrence, clerk of Surry County; M. P. Cooper, clerk of Davidson County; Lon H. West, clerk of Yadkin County; Hal Blackstock of the Veterans Administration regional office at Winston-Salem, substituting for Cecil Pate, V. A. chief attorney; and Royal Shannonhouse, assistant director of the Institute of Government at Chapel Hill.

Headquarters for the convention will be the Robert E. Lee Hotel. Registration will begin at 2 p.m. on Wednesday, July 3, with opening ceremonies beginning at 8 p.m. The Association banquet will be held on Friday evening, July 5.

The Institute of Government has compiled a complete listing of its publications from 1930 through 1956. This listing is available upon request. Please address all correspondence to Institute of Government, Box 990, Chapel Hill, North Carolina.

## Personnel Notes

George James Robertson, mayor of Rolesville for the past decade, died March 3 while on a business trip to Paris, Tex.

Governor Hodges has announced the reappointment of L. Roy Hughes as judge of the Thomasville recorder's court for a two-year period ending April 1959. He also appointed E. W. Hooper to a two-year term as solicitor of the Thomasville court. Hooper will succeed Charles F. Lambeth, Jr. who resigned.

Lonnie Harris, chief of police in Coats, has resigned his position. Eddie Earp is acting police chief.

Joseph D. Clark, chairman of the

Parks and Recreation Advisory Committee of Raleigh, has resigned his post.

L. E. Funderburk has been named chairman of the Mecklenburg County Civil Service Board for the rural police system. He replaces James T. McAden, Jr. whose term expired last month.

Mrs. Robert D. Howerton is the new member of the Charlotte Park and Recreation Commission. She succeeds Stan Cropley who resigned.

A veteran Johnston County law enforcement officer was killed March 19 while in the performance of his duty. Joseph Raymond Lynch of Selma, constable of Wilders Township and a former deputy sheriff and tax collector, died instantly when the car he was driving wrecked while in pursuit of a law-breaker.

Johnny Harwood, chief of the Yanceyville Volunteer Fire Department, was presented recently a certificate and a gold pin for his 16 years of service. The presentation was made by J. O. Gunn, chairman of the Yanceyville Sanitary District Board on behalf of the local volunteer firemen. In addition, Mr. Gunn presented Mr. Harwood a gold wrist watch on behalf of local citizens.

The highway patrolman stationed at Welcome is named Sam Ketchum.

## Notes From A to Z

The new sewage disposal system at Petersburg, Va., went into operation and out came—pink sewage! The city engineer explains that the unusual color is caused by rouge used by a local optical goods manufacturer in lens grinding.

San Francisco, Calif., has found a way to take the last pleasure out of driving and parking. Somebody has devised a method to keep drivers from taking advantage of someone else's left over time on a parking meter. It is an electrical gadget that works on a light principle. A photo-electric cell is installed in the pavement near the curb. When a car drives over the cell and a coin is deposited in the meter, the circuit closes. When the car leaves, the circuit breaks and the "violation" sign appears. What next?

(Continued on inside back cover)



# PUBLIC PERSONNEL

By DONALD B. HAYMAN

*Assistant Director, Institute of Government*

## Abuse of Sick Leave

Several local officials have complained recently that they considered the abuse of sick leave to be a major problem of their governmental units. The abuse of sick leave is one of the surest signs of low employee morale. If an employee feels (1) his or her work is important, (2) he or she is making a significant contribution to the success of the organization, and (3) he or she is working for a good employer, absenteeism will not be a serious problem.

When is sick leave abused? An increasing number of municipal department heads have supervisors visit employees who report they are sick. Discretionary authority to require that an employee obtain a doctor's certificate before returning to work may also tend to discourage the abuse of sick leave. A mandatory requirement of a certificate may not be advisable.

A recent report published by the Civil Service Assembly entitled "Procedures That Improve Personnel Administration" states that employers should be suspicious of workers who exhibit the following traits in their attendance records:

(1) Habitual use of all sick leave as soon as it is earned but rarely reporting to be sick when sick leave is used up.

(2) Perfect attendance record during the probationary period but frequent use of sick leave thereafter.

(3) Careful saving of sick leave until the maximum accumulation is reached and then beginning to be off work at more or less regular intervals.

A study of sickness absenteeism in the New York Telephone Company was reported in the July, 1955 issue of the Monthly Labor Review. The attendance records of employees of the company were studied for the 30-year period from 1923 through 1953. The report contained several

conclusions which may be of interest to public officials.

In general, the peaks and valleys of the curve of prosperity and depression are reflected in the sickness absence curve. The seasonal peaks of absenteeism occur in the months of January and February. Women are absent from work twice as often as men. In 1953, women employees of the New York Telephone Company were losing 12.1 working days per year while men were losing 6.6 days per year. The chief difference between the high absence and the low absence employee was found to be the difference in the degree of susceptibility to the disorders of feeling, thought and behavior. The average low absence employee was found to be a happy and contented person. The average high absence employee was found to be unhappy, discontented, and resentful.

A previous study appearing in the Monthly Labor Review in September, 1948 revealed that the average industrial employee was absent because of sick leave 9.6 days per year. Men were absent 9 days and women 12.7. Each worker was absent an average of 3.4 times. Sixty per cent of the absences and 66 $\frac{2}{3}$  per cent of the time lost was ascribed to illness or accident not related to employment. Fifty-five per cent of non-employment illnesses lasted only one day. Twenty-five per cent lasted two or three days. One per cent lasted eight days or longer.

Supervisors might find the following parable of interest to their employees. It first appeared in the U. S. Army Quartermaster Research and Development Command Newsletter and gives a fine touch to this problem.

"One night in ancient times, three horsemen were riding across a desert. As they crossed the dry bed of a river, out of the darkness a voice called, 'Halt!' They obeyed. The voice ordered them to dismount, pick up four loaves of bread that were

hidden behind a rock, put the bread in their saddle bags and remount.

"The voice then said, 'You have done as I commanded. Tomorrow at sun-up you will be both glad and sorry.' Mystified, the horsemen rode on. As the night fled by they started to nibble on the bread—just out of curiosity.

"When the sun rose, they reached in their saddle bags and found that a miracle had happened. The bread had been transformed into gold. They then remembered the warning by the voice. They were both glad and sorry—glad they had saved some, and sorry they had not saved more . . . and this is the story of SICK LEAVE."

## In-Service Training in Engineering

The City of Winston-Salem and the N. C. State Highway and Public Works Commission have recently established in-service classes for engineering aides. In Winston-Salem a local civil engineer has been hired to provide technical instruction in the fundamentals of surveying to eight employees. The class meets once a week in the evening for two hours.

The N. C. Highway Commission's in-service training program was launched by bringing a construction engineer from each of the 14 highway divisions to State College for a one-week refresher course on teaching engineering fundamentals. The 14 instructor-engineers returned to their divisions and are setting up classes of 10-12 young Engineering Aides I and II and Highway Engineer I who have not had college training. The instructor-engineers may conduct classes in more than one location within his division depending on the number and location of the employees. To be eligible for the training course, a highway employee must have a minimum of six months of highway service. Employees are selected on the basis of ability and potential for development.

*(Continued on page 10)*

# Geographic Distribution of New Manufacturing Establishments In North Carolina, 1947-1956. Part II: Medium-Sized Plant (20-99 employees) Location in North Carolina, 1947-1954



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

This is the second in a series of articles, describing and analyzing the geographic distribution of new and relocated manufacturing plants in North Carolina. The first article dealt with plants employing 100 or more workers. This article is devoted to medium-sized plants, i.e., those which employ between 20 and 99 people. The data presented here are drawn from the recently released 1954 Census of Manufactures and the 1947 Census of Manufactures.

North Carolina showed a net gain of 235 medium-sized manufacturing establishments during the period 1947-1954. This 19% gain raised the total number of such plants from 1,219 to 1,454. Looking at the county totals

**TABLE 5**  
**Gains and Losses by Industry Type Among North Carolina's Medium-Sized (20-99 Employees) Manufacturing Establishments 1947-1954**

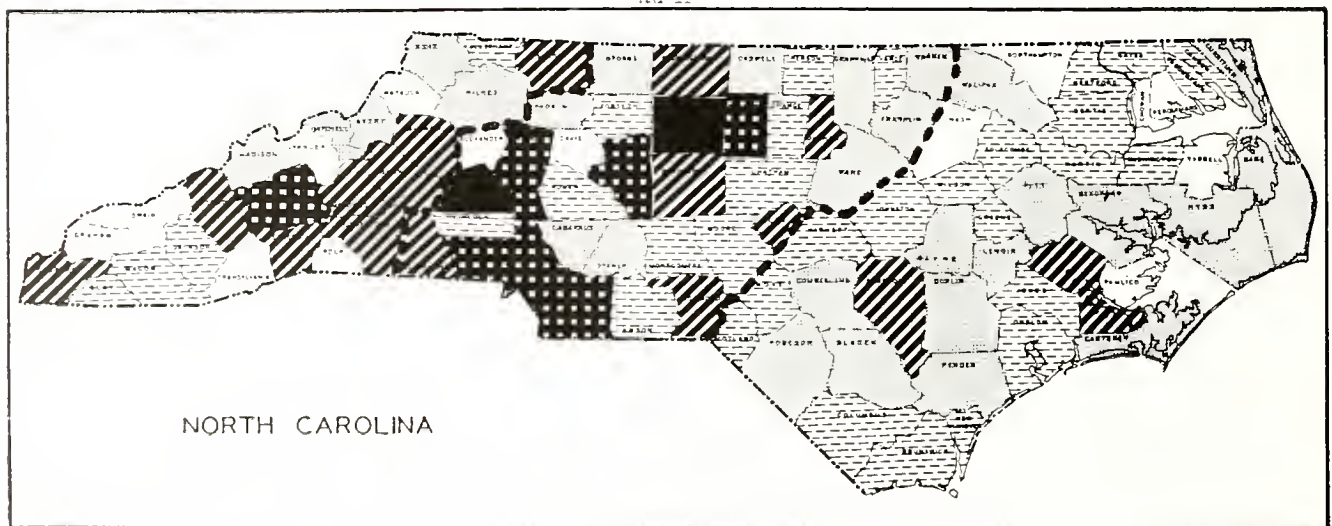
<i>Industry Type</i>	<i>Gain or Loss</i>
Textile mill products	+77
Food and kindred products	+39
Apparel and related products	+30
Printing and publishing	+21
Lumber and wood products (except furniture)	+20
Furniture and fixtures	+18
Machinery, except electrical	+11
Miscellaneous manufactures	+ 6
Stone, clay and glass products	+ 6
Pulp, paper, and products	+ 5
Chemicals and products	+ 4
Fabricated metal products	+ 3
Transportation equipment	+ 1
Primary metal products	+ 1
Leather and leather products	+ 1
Tobacco manufactures	- 8

Note: A total of 235 establishments of this size were added to North Carolina's plant population during this period.

we find that only 54 counties reported gains in plants of this size. Increases ranged from the addition of one to 42 such plants per county for a total gain of 309. At the same time, 33 counties reported a total loss of 74 plants, leaving the statewide net gain at 235. Among these 74 "lost" plants it is probable that some may have 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. Thirteen counties remained static during this period, reporting neither gains nor losses in their medium-sized 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 5 as background against which the various

MAP II



LEGEND

- |                                |  |                             |  |                 |  |
|--------------------------------|--|-----------------------------|--|-----------------|--|
| Gain - More than thirty plants |  | Gain - Four to eight plants |  | No gain or loss |  |
| Gain - Ten to twenty plants    |  | Gain - One to three plants  |  | Loss in plants  |  |

**Geographic Distribution of New or Relocated Manufacturing Establishments in North Carolina, 1947-1954. Medium-Sized Plants (20-99 employees).**

**TABLE 6**  
**Geographic Distribution of New or Relocated Manufacturing**  
**Establishments in North Carolina**  
**1947-1954**

Medium-Sized Plants  
 (20-99 employees)

Gains and Losses Among North Carolina's 100 Counties

County	Gain or Loss (No. of Plants)	No. of Plants in 1947	County	Gain or Loss (No. of Plants)	No. of Plants in 1947
<i>More than thirty plants</i> (Two counties)			Franklin	+ 1	5
Catawba	+42	74	Graham	+ 1	1
Guilford	+35	92	Hyde	+ 1	0
<i>Ten to twenty plants</i> (Seven counties)			Pender	+ 1	5
Mecklenburg	+19	98	Warren	+ 1	5
Gaston	+15	31	Wayne	+ 1	13
Buncombe	+14	21	Yadkin	+ 1	3
Iredell	+14	26	<i>No gain or loss</i> (Thirteen counties)		
Union	+11	7	Alexander	0	4
Alamance	+10	44	Chowan	0	2
Davidson	+10	32	Davie	0	3
<i>Four to eight plants</i> (Sixteen counties)			Nash	0	20
Craven	+ 8	12	Northampton	0	7
Rutherford	+ 8	6	Pamlico	0	1
Surry	+ 8	8	Perquimans	0	2
Burke	+ 6	15	Polk	0	2
Lee	+ 6	11	Swain	0	2
Cherokee	+ 5	3	Transylvania	0	3
Cleveland	+ 5	14	Tyrrell	0	2
Durham	+ 5	20	Watauga	0	0
Henderson	+ 5	11	Yancey	0	4
McDowell	+ 5	13	<i>Loss in plants</i> (Thirty-three counties)		
Randolph	+ 5	29	Montgomery	- 8	17
Caldwell	+ 4	14	Bertie	- 4	8
Haywood	+ 4	4	New Hanover	- 4	29
Richmond	+ 4	8	Brunswick	- 3	7
Rockingham	+ 4	8	Chatham	- 3	14
Sampson	+ 4	14	Clay	- 3	4
<i>One to three plants</i> (Twenty-nine counties)			Forsyth	- 3	50
Ashe	+ 3	2	Gates	- 3	6
Granville	+ 3	3	Hertford	- 3	10
Halifax	+ 3	13	Hoke	- 3	8
Mitchell	+ 3	5	Moore	- 3	15
Robeson	+ 3	13	Pasquotank	- 3	13
Stanly	+ 3	9	Person	- 3	4
Wilkes	+ 3	7	Rowan	- 3	27
Beaufort	+ 2	11	Jackson	- 2	3
Cabarrus	+ 2	12	Lincoln	- 2	12
Cumberland	+ 2	18	Macon	- 2	4
Currituck	+ 2	0	Onslow	- 2	4
Duplin	+ 2	4	Orange	- 2	5
Lenoir	+ 2	12	Washington	- 2	4
Madison	+ 2	0	Alleghany	- 1	1
Pitt	+ 2	13	Anson	- 1	8
Stokes	+ 2	3	Camden	- 1	1
Wake	+ 2	32	Columbus	- 1	14
Avery	+ 1	2	Edgecombe	- 1	14
Bladen	+ 1	2	Greene	- 1	1
Carteret	+ 1	5	Harnett	- 1	10
Caswell	+ 1	1	Johnston	- 1	11
Dare	+ 1	1	Jones	- 1	2
			Martin	- 1	7
			Scotland	- 1	5
			Vance	- 1	9
			Wilson	- 1	21

Note: A total of 235 establishments of this size were added to North Carolina's plant population during this period.

county gains or losses may be examined. The continuing importance of textile mill products in North Carolina is reflected in the fact that the greatest number of added medium-sized plants falls into this category. Food and kindred products showed the second largest numerical gain, while apparel and related products showed up in third place. It will be recalled, in connection with our earlier analysis of large plants (100 or more employees), that food and kindred products led in plant population gains, with the second largest numerical gain being made in the apparel and related products category. In commenting on these gains, it was noted that industries in the food and kindred products category are undoubtedly developing to process North Carolina's large output of agricultural products, while plants in the apparel and related products category make use of our substantial, existing and still expanding, textile output.

### How Does Your County Rate?

#### Gains

Table 6 shows, in rank order, the gains and losses among North Carolina's 100 counties. Moderate gains of one to three plants were made in 29 of the 100 counties. Map II shows that these gains were widely distributed throughout the state. More substantial gains, four to eight plants, were found in 16 counties (two Coastal, six Piedmont, and eight Mountain). The most substantial gains, from 10 to 20 plants, were reported in seven counties, six in the Piedmont and one in Mountain Buncombe. Outstanding gains of 42 and 35 medium-sized plants were reported in the Piedmont counties of Catawba and Guilford, with Catawba ranking highest in added plants in this size range.

County	Gain or Loss (Number of Plants)	Number of Plants in 1947
Guilford (Greensboro-High Point)	+35	98
Mecklenburg (Charlotte)	+19	98
Buncombe (Asheville)	+14	21
Durham (Durham)	+ 5	20
Wake (Raleigh)	+ 2	32
Forsyth (Winston-Salem)	- 3	50

County	Gain or Loss (Number of Plants)	Number of Plants in 1947
Catawba	+42	74
Guilford	+42	98
Mecklenburg	+19	98
Gaston	+15	31
Buncombe	+14	21
Iredell	+14	26
Alamance	+10	44
Davidson	+10	32
Durham	+ 5	20
Randolph	+ 5	29
Wake	+ 2	32
Nash	0	20
Wilson	- 1	21
Forsyth	- 3	50
Rowan	- 3	27
New Hanover	- 4	29

It is interesting to note that Catawba County lost two large plants during the study period. Its outstanding gain in medium-sized plants very likely more than compensates for the loss in the other category.

#### Static Counties

Of the 13 counties reporting neither gain nor loss, seven were Mountain, two Piedmont, and six Coastal. It will be noted that, with the exception of Nash county, those counties which retained their 1947 *status quo* over the seven-year period had relatively few medium-sized plants in 1947.

#### Losses

Of the 33 counties which lost plants during the study period, 19 were Coastal, ten Piedmont, and four Mountain. Losses ranged between one and eight plants with Piedmont Montgomery sustaining the greatest numerical loss.

It will be noted that of the counties

sustaining losses in medium-sized plants, Coastal New Hanover and Piedmont Chatham were among those counties which gained substantially in large plant population during the study period (five and seven plants each, respectively), while Coastal Columbus, Bertie and Scotland, Piedmont Rowan, and Mountain Alleghany made moderate gains of three to four large plants each.

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

Table 7 shows the extent of gains among the 16 counties having 20 or more medium-sized plants in 1947. It will be observed that there appears to be a consistent relationship between 1947 plant population and the rate of population gain during the 1947-1954 period. This is in contrast to the finding of "no consistent relationship" in the case of 1947 large plant population and the rate of gain of such plants. Eight of the nine top counties, as far as gains in medium-sized plants are concerned, are included in the group of 16 counties containing substantial medium-sized plant populations in 1947. On the other hand, of course, four counties (containing 20 or more medium-sized plants in 1947) decreased their medium-sized plant population during the study period, while one county remained static—reporting neither gain nor loss.

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

Table 8 shows the relative gains and losses among the counties con-

(Continued on page 11)



# Marriages Before Justices of the Peace

By

ROYAL G. SHANNONHOUSE, Assistant Director, Institute of Government

[Supplementing Sherrill, *Justice of the Peace Fees and Jurisdiction*, published by The Institute of Government.]

## Authority; Limitations

Section 51-1 of the *General Statutes of North Carolina* provides that "the consent of a male and female person who may lawfully marry, presently to take each other as husband and wife, freely, seriously and plainly expressed by each in the presence of the other, and in the presence of . . . a justice of the peace, and the consequent declaration by such . . . officer that such persons are man and wife, shall be a valid and sufficient marriage. . . ." This is the basic authority for justices to perform marriage ceremonies. A justice of the peace who is also a register of deeds is prohibited from performing a marriage ceremony, however,<sup>1</sup> but this limitation does not apply to a justice who is also a deputy register of deeds.<sup>2</sup> Justices are not required to perform marriage ceremonies, and should decline to do so if there is any doubt about the propriety or lawfulness of a marriage.

## License Required

Before a couple may be married by a justice of the peace, they must deliver to him a marriage license, signed by the register of deeds or a deputy register of deeds of the county in which they are to be married.<sup>3</sup> If a justice marries a couple without having the required license first delivered to him, he is guilty of a misdemeanor and is subject to a forfeiture of two hundred dollars (\$200.00).<sup>4</sup> In order to be valid, the license must be in substantially the following form:<sup>5</sup>

"To any ordained minister of any religious denomination, minister authorized by his church, or to any justice of the peace for county:

(name) having applied to me for a license for the marriage of (name of man in full) , of (residence) , aged

years, (race) , the son of (names and residence(s) of father and mother; living or dead. If any fact is not known, that should be stated) and (name of woman in full) of (residence) , aged years, (race) , the daughter of (names and residence(s) of father and mother; living or dead; if any fact is not known, that should be stated) ; [if either of the parties is under eighteen years of age, the license shall also contain the following: "and the written consent of

(name of father, mother, or other person authorized to give consent) to the proposed marriage having been filed with me,"] and there being no legal impediment to such marriage known to me, you are hereby authorized, at any time *within sixty days* from the date hereof, to celebrate the proposed marriage at any place *within the said county*. You are required, *within thirty days* after you shall have celebrated such marriage, to return this license to me at my office with your signature subscribed to the certificate under this license, and with the blanks therein filled according to the facts, under penalty of forfeiting two hundred dollars to the use of any person who shall sue for the same.

Issued this day of , 19

L. M.

Register of Deeds, County (by , Deputy)"

In checking the license before performing the ceremony, the justice of the peace should make sure that the persons are of legal age to marry, that the consent provision is filled in, if either of the parties is under age, and that the parties belong to the races which lawfully may marry. If a justice knowingly marries a "person of color" to a white person, he is guilty of a misdemeanor.<sup>6</sup> "Person of color" probably refers only to Negroes and N. C. Indians as indicated in G.S. 51-3. The justice of the peace should also make sure that the marriage will take place within 60 days of the date on the license; it is unlawful to marry a couple whose license is more than 60 days old.<sup>7</sup>

<sup>6</sup> N.C. Gen. Stat. § 14-182 (1953).  
<sup>7</sup> N.C. Gen. Stat. § 51-16 (Supp. 1955).

## Marriage Ceremony

A justice of the peace may marry a couple anywhere within the county in which their license was issued, but it is a misdemeanor to marry persons whose license was issued in another county.<sup>8</sup> Marriages by proxy and marriage ceremonies conducted over the telephone are not authorized in North Carolina, the statute<sup>9</sup> clearly requiring the parties to be married to recite their vows "*in the presence of*" each other and "*in the presence of*" a justice of the peace, or minister. The Attorney General has repeatedly ruled in accord with this view.<sup>10</sup> No particular marriage ceremony is prescribed by law, therefore any ritual which satisfies the religious convictions of the parties concerned is sufficient so long as the following requirements are fulfilled: [1] the parties must consent to take each other as husband and wife; [2] this consent must be "freely, seriously and plainly expressed by each in the presence of the other, and [3] in the presence of . . . a justice of the peace," and [4] the justice of the peace must declare that such persons are man and wife.<sup>11</sup>

It is suggested that inexperienced justices consult ministers of the Gospel for advice concerning the conduct of the marriage ceremony. Justices of the peace may also find guidance in the hymnals or prayer books of many religious denominations. For convenient reference, examples of ceremonies which might be used by justices are set out below. (Customarily, the man and woman stand facing the justice, the man to the woman's right, with the witness or witnesses standing slightly behind and to the side of the couple.)

## Example Ceremony No. 1

"We are gathered together here in the sight of God, and in the presence of these witnesses, to join together this man and this woman in holy matrimony; which is an honorable estate, instituted of God in the time of

<sup>8</sup> N.C. Gen. Stat. §§ 51-6 (1950), 51-16 (Supp. 1955).

<sup>9</sup> N.C. Gen. Stat. § 51-1 (1950),  
<sup>10</sup> 31 Bien. Rep. of A.G. 181 (1950-52); 32 *Id.* 193 (1952-54).

<sup>11</sup> N.C. Gen. Stat. § 51-1 (1950).  
(Continued on page 10)

<sup>1</sup> N.C. Gen. Stat. § 51-1 (1950).  
<sup>2</sup> 28 Bien. Rep. of A.G. 655 (1944-46).

<sup>3</sup> N.C. Gen. Stat. § 51-6 (1950).

<sup>4</sup> N.C. Gen. Stat. § 51-7 (1950).

<sup>5</sup> N.C. Gen. Stat. § 51-16 (Supp. 1955).

# THE ATTORNEY GENERAL RULES . . .

## ADOPTIONS

**Consent as a condition to suspension of jail sentence.** A mother has been convicted of abandoning her minor children and sentenced to a jail term, suspended upon condition that she release her minor children, to be placed for adoption. Would the mother's release of her children for adoption based upon such judgment be valid?

To: Mrs. Lora P. Wilkie

(A.G.) G.S. 48-1(2) states, the legislative intent that the secondary purpose of the adoption chapter is to protect natural parents from hurried decisions, made under strain and anxiety, to give up a child. In view of this expression, a consent to adoption given as a condition to the suspension of a jail sentence would not be valid.

## CLERK OF COURT

**Duty of clerk in condemnation proceedings.** What is the duty of the clerk in a condemnation proceeding where he finds that the petitioner is not entitled to the relief sought?

To: J. C. Moore

(A.G.) If the answer in a condemnation proceeding challenges the right of the petitioner to maintain the proceedings, the clerk of the superior court is required to hear the proofs and allegations of the party and to pass on the validity of the challenge before he makes any order for the appointment of commissioners. [*Collins v. Highway Commission*, 237 N.C. 277, 283 (1953)] If, after hearing the matter, the clerk decides that the petitioner does not have the right to maintain its action, then his order should be that the proceedings be dismissed. The petitioner immediately may appeal to the superior court. On the other hand, if the clerk's decision is to the effect that the petitioner is entitled to the relief which it seeks in a petition, he would proceed to appoint the commissioners as provided in G.S. 40-16. In this event, the respondent could take an exception to the clerk's ruling and, upon the coming in of the report and the exception, the entire record would be open to review. [*Abernethy v. Railroad*, 150 N.C. 97 (1908)]

## CONSTABLES

**Time in which to qualify.** When a constable is elected into office, does he have a certain time in which to qualify before the office is declared vacant?

To: J. Watt Tuttle

(A.G.) If a constable does not appear before the board of county commissioners on the first Monday in December following his election, and qualify by filing his bond, the board of county commissioners has the authority to declare the office vacant, and to appoint some suitable person to fill the vacancy.

## COUNTIES

**Cost of holding bond elections.** May the cost of holding an election on the

question of issuance of bonds be paid out of the proceeds of the bond issue?

To: Thomas A. Banks

(A.G.) G.S. 153-107 provides in part as follows: "The cost of preparing, issuing, and marketing bonds shall be deemed to be one of the purposes for which the bonds are issued. . . ." I do not think that the language quoted above is broad enough to cover any part of the cost of holding the bond election. The cost of the election would probably be paid out of such funds as are available for holding other county-wide elections.

**Right of commissioner to sell insurance to county.** A county commissioner is a stockholder in an insurance agency. May the insurance agency write an insurance policy for the county, when the county commissioner as stockholder will benefit from the commissions?

(A.G.) G.S. 14-234 makes it a misdemeanor for a public official to contract for his own benefit. Based upon the case of *State v. Williams*, 153 N.C. 595 (1910), it is my opinion that it is not safe for the county commissioner in question to continue serving while he is a stockholder in the insurance agency in question. It is thought that he should either resign as a county commissioner or dispose of his stock in the insurance agency.

## CRIMINAL PROCEDURE

**Recorder's Courts—power to proceed against motor vehicles confiscated under state prohibition laws before arrest and conviction of the drivers.** Can a County Recorder's Court having only criminal jurisdiction proceed against a motor vehicle seized while being used to illegally transport non-tax paid liquor and order the sale thereof although the operator has never been arrested and the warrant issued for his arrest cannot be served because of his residence in another state?

To: H. H. Riddick

(A.G.) It seems that the provisions of the first paragraph of G.S. § 18-6 relating to procedure for forfeiture of motor vehicles used to violate Chapter 18 must have been placed in the Act in order to take care of those situations in which the driver of the automobile escapes and there is no successful prosecution. Therefore it is the suggestion of this office that the court in which the warrant is pending first notify the defendant that the matter of the confiscation of the automobile will be heard at a time and place specified in the notice. Advertisement should also be made according to the statute. If within the ten days prescribed by statute, neither the defendant named in the warrant nor any other person appears and claims the car, it is the view of this office that the Recorder's Court of Halifax County would have jurisdiction to hear the matter and if it finds the facts recited in your

letter to be true, it will have authority to order the automobile confiscated and sold under the provisions of the statute in question.

## DOMESTIC RELATIONS COURT

**Jurisdiction of superior court to hear appeal from juvenile delinquency judgment.** Does the superior court have jurisdiction to hear the appeal of a juvenile adjudged delinquent in domestic relations court?

To: J. L. Fountain

(A.G.) While the provisions of G.S. 110-40 relating to appeals from a judgment or order of a juvenile court are not specifically made applicable to a domestic relations court by the use of the terms "power, authority, and jurisdiction" as used in the first paragraph of G.S. 7-103, it is the opinion of this office that the intent of the legislature was that these provisions would apply where the functions of a juvenile court are performed by a domestic relations court. Even in the absence of statutory provision for appeal from a lower court to the superior court, it is believed that such appeal would apply by reason of decision of the court in the case of *Rhyne v. Lipscombe*, 122 N.C. 650 (1898).

## JUVENILE COURTS

**Jurisdiction over minor more than sixteen years of age.** The juvenile court obtained jurisdiction over a child who was under 16 years of age and committed her to the custody of her father and stepmother, on probation to the juvenile court. It was further ordered that said child be and remain a ward of the court. After passing her sixteenth birthday, the child was again brought before the juvenile court for failure to demean herself properly, and was committed to Samarcand Manor. Did the juvenile court have jurisdiction to commit the child to Samarcand Manor?

To: Mrs. C. K. Strowd

(A.G.) Under G.S. 110-21, a juvenile court has jurisdiction over a child under 21, where jurisdiction was first obtained before the child became 16, and where such jurisdiction has not been terminated by a later order of the court or by commitment of the child to an institution supported and controlled by the State. Therefore, the juvenile court had jurisdiction to enter the commitment.

## MUNICIPAL CORPORATIONS

**Expenditure of Powell Act funds.** May a municipal corporation use its share of Powell Act funds for improvement of "off street" municipal parking areas or for the purchase of traffic control "stop lights" to be used within the corporate limits of the municipality?

To: Alford J. Ellington

(A.G.) The purposes for which Powell Act funds may be distributed are set out in G.S. 136-41.3. Improvement of off street parking areas are not within the meaning of the words "necessary appurtenances" as used

in the section, and Powell Act funds could not be properly expended therefor. As to the purchase of traffic signal lights, a closer question is presented. However, it is felt that such expenditures would be authorized because, in view of many traffic situations, it would be well nigh impossible for motorists to make use of certain streets, in the absence of traffic signal lights or other traffic control.

**Purchase of water and sewer system.** A water and sewer system owned by a private corporation lies wholly outside the corporate limits of a city, and is not connected with the city's water and sewer system. May the city purchase this system from the private corporation for the purpose of serving non-residents exclusively?

To: Z. V. McMillan

(A.G.) Although a town has broad powers with respect to extending its water and sewer services beyond the city limits under the appropriate circumstances, there is no authority for a town to purchase a water and sewage system outside the city limits, not connected with the city water and sewage system, for the purpose of serving non-residents exclusively.

**Authority for sale of portion of city water system.** Town B has issued \$70,000.00 in General Obligation Bonds pursuant to the Municipal Finance Act of 1921, for the purpose of constructing a water line from the city limits of Town A to Town B. One-third interest in the line from Town A to Town B was sold to Town C. Approximately one-tenth of the bonds sold by Town B are still outstanding. Town A extends its city limits to include a portion of the jointly-owned water line, and wishes to purchase the interest of Town B. May this municipally owned water line which was paid for by the issuance of General Obligation Bonds be sold, and if so, by what method?

To: Messrs. Thomas and Griffin

(A.G.) In that these bonds contain the statement that clearly indicate they are General Obligation Bonds, and are issued pursuant to the Municipal Finance Act of 1921, and since G.S. 160-397 specifically states that the full faith and credit of the municipality shall be deemed to be pledged for the punctual payment of the principal and interest on every bond issued under said Act, there is no prohibition against the sale of all or part of the water system in question before all outstanding bonds are retired. The language of G.S. 160-256, providing that municipalities shall fix such uniform rates for water service as will provide for the payment of annual interest on existing bonded debts, payment of annual installments for the amortization of the debt, and necessary allowances for maintenance, repair, and operation, is not intended to convert the General Obligation Bonds to Revenue Bonds payable only out of the proceeds of the water rents. Under G.S. 160-2(6), the approval of a majority of the qualified voters in the municipality must be obtained before the

municipality can sell the water works or any other public utility owned by the municipality, and this would apply whether the whole or only a portion of the public utility is to be sold.

**Authority to grant option for sale of portion of municipal water system.** A contract is contemplated between Town A and Town B under which Town A is to furnish Town B with a water supply. The following provision is included: "In case the city limits of Town A is extended in the future so as to include any portion of the water lines owned by Town B, Town A shall have the option for a period of 15 months from the date of the extension of the city limits to purchase such water lines from Town B." The contract also would contain provisions as to fixing the price and terms of sale. The contract for the furnishing of the water supply is authorized by statute, for both municipalities. Does G.S. 160-2(6) requiring approval of the majority of qualified voters of the municipality for the sale by a municipality of any water works or other public utility apply to the sale of a portion of the water works or other public utility, and if so does it similarly apply to the granting of an option to sell such portion? Also, can the present governing body bind future governing bodies by this option?

To: Wade Mitchem

(A.G.) G.S. 160-2(6) applies equally to the sale of portion of the water works or other public utility by the municipality, or an option to sell in the future. While there is no North Carolina case directly in point, it is the view of the Attorney General that the contemplated contract is not such as would deprive the successors to the present governing body of the exercise of governmental discretion. Therefore, the contract would be valid assuming approval by the qualified voters in a referendum. [*Plant Food Company v. Charlotte*, 214 N.C. 518 (1938) and *Edwards v. Goldsboro*, 141 N.C. 60 (1905)]

**Peddlers license tax . . . exemption of farm products.** May a city levy a license tax, pursuant to G.S. 105-53, (levying a license tax on one peddling products from a motor vehicle) upon out of county and out of state residents selling farm products from trucks parked in the city, regardless of whether the sellers possess a "grower's permit?"

To: Carl V. Venters

(A.G.) A city may not levy any license tax with respect to the sale of farm products which are raised on the premises owned or occupied by the seller, whether the seller be a resident of the county in which the city is located or some other county in the state, or a resident of another state. The only significance of the grower's permit furnished the seller by the county agent is that the permit is evidence that the farm products offered for sale were raised on the premises owned or occupied by the seller.

#### SCHOOLS

**Authorized deductions from fines and forfeitures.** Where an arrest is

made by a town policeman, and a warrant is issued by the mayor's court, and further, a cash bond is made for appearance and forfeited for failure of defendant to appear, is it permissible for the mayor's court to deduct the costs of court, including jail fees paid to the county, from the proceeds of the cash bond before the proceeds are remitted to the county for the school fund?

To: R. H. Burns, Jr.

(A.G.) Article IX, Section 5, North Carolina Constitution, provides that the clear proceeds of all penalties and forfeitures and of all fines collected shall be faithfully appropriated for maintaining the public schools. G.S. 115-100 provides as follows: "The clear proceeds of such funds shall be accounted for by the officers collecting the same and no deductions shall be made therefrom for fees or commissions."

Answering your questions directly, it is the view of this office that the court costs, including jail fees, may not be deducted from the proceeds of the forfeiture of an appearance bond. Only the cost of the *scire facias* may be deducted in those cases in which *scire facias* is issued. However, under the 1953 amendment to G.S. 15-113, it is not necessary to issue a *scire facias* to the defendant before forfeiting a cash bond deposited by him. Of course, if the deposit has been made by a surety instead of by the defendant, the surety would be entitled to a notice in the form of a *scire facias*. See *Hightower v. Thompson*, 231 N.C. 491 (1950).

**Title to and use of activity bus.** An activity bus is purchased by a Parent-Teachers Association and presented to a school. Who shall hold title to the bus and what insurance, if any, is required? What activities are permissible, or specifically, could a church, scout, or community activities group be transported by the school activity bus?

To: Walter R. Dudley

(A.G.) The statute formerly codified as G.S. 115-45.1 provided that county and city boards of education were empowered to take title to school buses purchased with local or community funds for the purpose of transporting pupils to and from athletic events and for other local school activity purposes. While this section was inadvertently omitted in the recodification of the school law of 1955, the retention of G.S. 111-53 (which allows county and city boards of education to waive immunity for tort liability within certain limitations upon the act of obtaining liability insurance), seems to indicate that title to activity buses should still be taken in the name of the board of education, and that liability insurance is authorized. Under G.S. 115-45.1 the use which may be made of the activity bus is set by statute and must be limited to school activities rather than extending to community activities in general.

**Supplementing salaries from the school current expense fund.** May a board of county commissioners appropriate money in the county-wide school current expense fund to sup-

plement the regular salaries of classroom teachers and principals, when requested to do so by the county board of education?

To: T. Ray Gibbs

(A.G.) The sixth paragraph of G.S. 115-80 provides that "when necessity is shown by county or city boards or peculiar local conditions demand for adding or supplementing items of expenditure not in the current expense fund provided by the state, the board of county commissioners may approve or disapprove, in part or in whole any such proposed or requested expenditure." It seems to me that this is broad enough in its terms to allow the county board of education to place in its current expense budget, an item to supplement the regular salary of classroom teachers and principals. The board of county commissioners then has the authority to allow or disallow this item either in whole or in part.

#### SHERIFFS

**Execution on property conveyed by debtor to wife.** Upon the sheriff's demand for payment of a judgment, the debtor produced a bill of sale to the debtor's wife dated prior to the rendition of the judgment. Is the property purportedly conveyed to the debtor's wife subject to execution?

To: J. P. Bunn

(A.G.) No. Even if it appears to the sheriff that the wife paid nothing for the goods and that the bill of sale was executed after the judgment was taken, although dated prior to the date of the judgment, it is the view of this office that the sheriff does not have the authority to pass upon the matter. It seems the safe procedure for the sheriff would be to return the execution showing that no property has been found out of which to satisfy the judgment. A motion in the cause could then be made to set aside the purported sale as constituting a fraud upon creditors.

### Public Personnel

(Continued from page 3)

The course will involve four hours of classroom and field instruction per week for a period of 24 weeks. Classes will usually be held one morning each week in the division or district office. Instruction will include the fundamentals of surveying and drafting.

The in-service training program is the result of the cooperative efforts of the Highway Commission, the Civil Engineering Department and the College Extension Division of N. C. State College. Serving on the planning committee were the following: Dr. R. E. Fadum, Dr. M. V. Smunoff and Professors W. F. Babcock and C. L. Mann of the Civil Engineering Department; D. B. Stansel of the College Extension Service; Hunter Irving, Earl Crump, and W. S.

Winslow of the Highway Commission; and Sam W. Badgett and Robert W. Whitfield of the highway personnel department.

In announcing the training program, Highway Chairman A. H. Graham also stated that the highway personnel department is currently developing an in-service training program for young graduate engineers. In an effort to attract and hold competent engineering graduates, the Commission will put the young graduate engineers through a 27-months long on-the-job course. During that period, each trainee will spend several months in nine key highway departments learning the various phases of highway work.

### Prison Employees Receive Speech Training

Warden W. B. Bailey has announced the completion of a training program in self-improvement by 29 employees of Central Prison. The employees have been meeting for two-hour sessions each Tuesday and Thursday evenings for the last two months. The sessions have been under the leadership of Robert W. Whitfield, assistant personnel officer for the Highway Commission, who for a time worked for Dale Carnegie's organization in conducting similar courses.

The first sessions were spent in developing self-confidence and overcoming fear of speaking before the group. Later sessions dealt with basic grammar, organization of thoughts and materials, conference leadership and participation, procedures for handling problems, and human relations.

The course was strictly voluntary and the employees attended on their own time. Upon the completion of the course of instruction all employees were honored at a banquet at which Prison Director W. B. Bailey awarded certificates.

### Police Training

Fourteen rookie patrolmen of the Winston-Salem Police Department were awarded certificates on March 1 for having completed an eight-week, 348-hour training course. Ray J. Abaticchio, Jr., special agent in charge of the Charlotte office of the Federal Bureau of Investigation was the principal speaker at the dinner at the Winston-Salem Police Pistol Club honoring the graduates.

### Burlington Personnel Ordinance

The Burlington City Council on March 19, 1957, adopted a formal personnel ordinance. The ordinance is modeled after the ordinance adopted by the City of Greensboro in 1955.

The Burlington ordinance varies from the Greensboro ordinance and follows the Model City Charter in establishing a Personnel Department and a Personnel Director who reports to the City Manager.

The Burlington ordinance also varies from the Greensboro ordinance as follows: 12 days of vacation a year for all employees instead of 12 for all with less than 20 years of service and 15 for all with more than 20 years of service; 6 months instead of 12 months probationary period; a service rating plan; vacation cumulative to only two weeks instead of 24 days; a December Christmas bonus of \$5.00 instead of \$7.50; and two months terminal leave.

The Burlington Personnel Manual published in 1951 was one of the first personnel manuals prepared in the state. At this time the City of Burlington should be commended for their efforts to redefine and standardize personnel policy. Other governmental units considering adopting a personnel ordinance will want to review the Greensboro and Burlington ordinances in preparing their own ordinance. However, governmental units will want to review these ordinances with considerable care before borrowing any particular section or idea.

### Marriages Before JPS

(Continued from page 7)

man's innocency. Into this holy estate these two persons present come now to be joined.

"I require and charge you both, that if either of you know any impediment why you may not be lawfully joined together in matrimony, you do now confess it.

(Then the justice shall say to the man:)

"(name), wilt thou have this woman to be thy wedded wife, to live together after God's ordinance in the holy estate of matrimony; wilt thou love her, comfort her, honor and keep her, in sickness and in health; and forsaking all others, keep thee only unto her, so long as ye both shall live? (Then the man shall answer "I WILL." Then the justice shall say to the woman:)

" (name) , wilt thou have this man to be thy wedded husband, to live together after God's ordinance in the holy estate of matrimony; wilt thou love, honor, and keep him, in sickness and in health; forsaking all others, keep thee only unto him, so long as ye both shall live?" (Then the woman shall answer, "I WILL." If the parties desire a ring ceremony, the man shall then hand a ring to the justice, who shall return it to him, and direct him to place it on the third finger of the woman's left hand, and shall direct the man to repeat after him the following words to the woman:)  
 "With this ring, I thee wed, and with my worldly goods I thee endow."

(The justice and those present may then repeat the Lord's prayer, as follows:)

"Our Father, Who art in heaven, Hallowed by Thy Name. Thy kingdom come. Thy will be done, on earth as it is in heaven. Give us this day our daily bread. And forgive us our trespasses, as we forgive those who trespass against us. And lead us not into temptation; But deliver us from evil; For thine is the kingdom, and the power, and the glory forever. Amen."

(Then the justice shall join the right hands of the man and the woman, and say:)

"Forasmuch as (name of woman) and (name of man) have consented together in holy wedlock, and have witnessed the same before God and this company, and thereto have given and pledged their troth, each to the other, and have declared the same by joining hands; and by virtue of the power vested in me as a justice of the peace of \_\_\_\_\_ Township, \_\_\_\_\_ County, North Carolina, I do pronounce you husband and wife."<sup>12</sup>

**Example Ceremony No. 2**

"My friends, you stand now in the presence of God and the face of these witnesses, to be united, under the laws of this state, in the bonds of holy matrimony; and since marriage is ordained of God and is an institution for the preservation of the race and the happiness of all mankind, it is recognized as such everywhere and approved of all men as an honorable estate. Our nation and its prosperity are founded upon the homes of the people and for this reason our government has set up laws for its protection and preservation.  
 "For inasmuch as you have

declared your love for each other and have determined between yourselves to enter into this holy and honorable estate, I require you now to give truthful answers to the questions ordained by the laws of the State of North Carolina. Do you (man's first name) , take this woman to be your lawful wedded wife to have and to hold, to love, honor and cherish, and to keep yourself only unto her as long as ye both shall live? (The man shall answer, "I do." Then the justice shall say to the woman:)

"Do you (woman's first name) , take this man to be your lawful wedded husband, to have and to hold, to love, honor and cherish, and to keep yourself only unto him so long as ye both shall live? (The woman shall answer, "I do.")

"You will now join hands. (Man's name) , repeat after me: 'I, (name of man) , take thee (woman's name) , to be my lawful wedded wife and I promise before God and these witnesses to be thy loving and faithful husband, in riches and in poverty, in sickness and in health, and, forsaking all others, to keep me only unto thee so long as we both shall live.'"

" (woman's name) , repeat after me: 'I, (woman's name) , take thee (man's name) to be my lawful wedded husband and I promise before God and these witnesses to be thy loving and faithful wife, in riches and in poverty, in sickness and in health, and, forsaking all others to keep me only unto thee, so long as we both shall live.'"

(The justice shall then ask for the ring, returning it to the man who shall then place it on the third finger of the woman's left hand. Then the justice shall say:)

"For inasmuch as you (man's name) and you (woman's name) have made these vows and plighted your troth before God and these witnesses, by the authority vested in me by the laws of the State of North Carolina, I now pronounce you man and wife. What, therefore, God hath joined together, let no man put asunder. Amen."<sup>13</sup>

**Justice's Certificate**

Upon completion of the ceremony, the justice must fill out and sign, and have the witness(es) sign, the certificate which appears on the license. If this is not done, or if the certificate is not returned to the register of

deeds who issued it within thirty days after the ceremony, the justice is subject to a penalty of two hundred dollars (\$200.00).<sup>14</sup> This certificate must be in substantially the following form:

"I, (name of justice) , a Justice of the Peace of \_\_\_\_\_ County, united in matrimony (name of man) and (name of woman) , the parties licensed above, on the \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_, at the (house, office, etc.) of (name) , in (town) , \_\_\_\_\_ township, \_\_\_\_\_ county, according to law.

(signature)  
 Justice of the Peace  
 Witness(es) present at the marriage:  
 (name) , of (residence)  
 (name) , of (residence)

**Justice's Fees**

Justices are not authorized by the General Statutes to charge a fee for the marriage ceremony. However, it is customary and proper for justices to accept a voluntary gift or gratuity from the husband following the ceremony.

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Reprints of this article are available upon request.

**Plant Distribution**  
*(Continued from page 6)*

taining North Carolina's six standard metropolitan areas. As in the case of large plant gains, Guilford County heads the list in volume of gains. Mecklenburg is, once again, in second position. Durham, which lost one large plant during the study period, made a moderate gain of five medium-sized plants during this same period. Forsyth County is the only area which lost in the medium-sized plant population, while Wake County gained only slightly, reporting two additional plants in this size category. It will be observed that the five counties, containing standard metropolitan areas, gained a total of 75 medium-sized plants or 24% of the total statewide gross gain of 309 such plants. The percentage gain is surprisingly close to that shown for the large plant population of the standard metropolitan areas. It will be recalled that five of the six counties containing standard metropolitan areas reported gains in large plant population, totaling 37 plants, or 26% of the total statewide gross gain of 142 such plants.

<sup>14</sup> N.C. Gen. Stat. §§ 51-7. (1950). 51-16 (Supp. 1955).

<sup>12</sup> Justices' and Constables' Association of California, *Manual of Forms and Procedure for Justices and Constables*. San Francisco: A. Carlisle & Co. 1943.

<sup>13</sup> Bodenheimer, *Manual for Justices of the Peace in the State of Utah*, page 136. Salt Lake City: Univ. of Utah Press. 1956.

## Books of Current Interest

DOCUMENTATION IN ACTION, edited by Jesse H. Shera and others. New York 22: Reinhold Publishing Corporation, 430 Park Avenue, 1956. 471pp. \$10.00.

The volume records the proceedings of the 1956 Western Reserve Conference on the Practical Utilization of Recorded Knowledge. It presents a concerted up-to-date review of the science and art of effectively organizing and utilizing recorded information. The entire book brings together, for the first time, the many diverse documentation interests. Recent advances are summarized and evaluated with particular attention to systems, equipment for making information available as needed, use of recorded information in research and in decision-making. Every business organization, technical development and scientific research group, professional man and librarian will welcome this book as a valuable aid to new and improved information services.

THE PRISON AT PHILADELPHIA: CHERRY HILL, by Negley K. Teeters and John D. Shearer. New York 27: Temple University Publications, Columbia University Press, 2960 Broadway, 1957. 249pp. \$5.50.

Cherry Hill prison was built during the nineteenth century—a period of intense interest in prison reform—to initiate the Pennsylvania System of Prison Discipline. The guiding principle of this system was that prisoners should be kept apart to prevent mutual contamination. They were confined to separate cells, provided with work within their cells, and allowed no communication with other prisoners. However, they were visited by a chaplain and moral instructor and by citizens of Philadelphia, whose genuine interest in prison reform led them to organize a society to visit and confer with prisoners.

To recreate the history of this novel institution, the authors have gone to the archives of the prison. These records have not been used before and, if it had not been for the interest of these writers, would probably have been destroyed. Their findings produce an exciting chapter in the history of penology.

SHOPPING CENTERS RE-STUDIED: PART ONE—EMERGING PATTERNS (*Technical Bulletin No. 30*), by J. Ross McKeever. Washington 6, D. C.: Urban Land

Institute, 1200 18th Street, N.W., 1957. 78pp. \$5.00.

Because shopping centers are so new and so variable, few fixed rules have been established for their operation. However, a study of the practical experiences of hundreds of shopping centers have uncovered significant trends, and it is a detailed compilation of these that is the heart of the Urban Land Institute's latest and most definitive work on shopping centers.

JAIL ADMINISTRATION, by Myrl E. Alexander. Springfield, Illinois: Charles C. Thomas, Publisher, 1957. 326pp. \$?.

This book has been planned to meet a three-fold need: (1) a guide and handbook for jail administrators, (2) an evaluation guide for groups and individuals interested in understanding and evaluating local jails, and (3) a textbook for jail training. It answers in easy-to-understand language the most often asked questions on the subject: What medications should be kept in the jail to handle minor medical problems? What kind of gas should be kept in the jail and when should it be used? What kind of mattress covers are recommended? Should jailers be taught judo? How much should jailers be paid? How can escapes be prevented? What about juveniles? women? addicts? escape artists? The author, who is Assistant Director of the Federal Bureau of Prisons in charge of the Division of Field Operations has made a valuable contribution to the penal-correctional field.

SOME POTENTIALITIES OF EXPERIMENTAL JURISPRUDENCE AS A NEW BRANCH OF SOCIAL SCIENCE, by Frederick K. Beutel. Lincoln: University of Nebraska Press, 1957. 440pp. \$6.00.

The author presents a proposed science of law based on adherence to the scientific method, with examples of how these experimental methods would be applied to a legal problem. Enforcement of bad-check laws is used as an illustrative study.

THE TRUTH ABOUT DIVORCE, by Morris Ploscowe. New York 11: Hawthorn Books, Inc., 70 Fifth Avenue, 1955. 315pp. \$4.95.

The purpose of this book is to help the average citizen and his lawyer arrive at a better mutual understand-

ing. Reading this book, the lay person is able to see and to understand just what his legal rights are, what the possibilities for a quick solution to his problem are, and what difficulties he faces. The information given includes not only every state of the Union but territories and certain foreign countries as well. For the lawyer, complete footnote references to case material and legal sources are provided. And the case histories included in the body of the book itself make fascinating reading for both layman and lawyer.

SPECIAL DISTRICT GOVERNMENTS IN THE UNITED STATES, by John C. Bollens. Berkeley 4: University of California Press, 1957. 280pp. \$4.50.

Because of the ever-increasing expansion and importance of special districts, and the limited amount of printed material pertaining to them, this volume is of prime importance to anyone interested in efficient local government. Although their expenditures outrank those of counties, townships, and towns combined, and approach the total expenditures of cities, and although their total debt is more than that of all state governments, citizens are often unaware of these districts that vitally affect their lives and property. Mr. Bollens has brought together in this volume, data scattered throughout innumerable publications, and has presented for the first time valuable information obtainable only by first-hand experience.

THE GOVERNMENT AND ADMINISTRATION OF IOWA (*American Commonwealths Series, volume 13*), by Russell M. Ross. New York 16: Thomas Y. Crowell Company, 432 Fourth Avenue, 1956. 382pp. \$7.00.

Here is the first comprehensive study of Iowa government and administration to be made available in more than 40 years. It provides a simplified explanation of the organization and operation of the political party in Iowa, with emphasis upon the unusual 35% rule in Iowa primary elections. It makes a detailed analysis of the legislative process, with particular attention to the reapportionment problem in the state. It treats municipal and county government as permitted by Iowa statute. It calls attention to the confused tax structure now in existence. It is a dependable source of information about taxes, juries, licensing, welfare, highways, lobbies, schools, and hundreds of other topics of vital interest to citizens of the states and to students of government.

## Clearinghouse

(Continued from page 2)

Public safety officers in **Oak Park, Mich.**, have instituted a plan to give children traffic tickets for safety violations. A total of 115 tickets were issued in one month to youngsters for jaywalking, running from between parked cars, playing ball in the street, and riding bicycles across busy intersections. Any child who receives a ticket must take it to his parents who are required to sign it and mail it to the police department. The parents are called in for an interview if a child receives three such tickets. The plan has brought a substantial reduction in traffic accidents involving children.

**New Castle, N. Y.**, has passed a law restricting the number of new houses that can be built in unincorporated parts of the town during 1956 and 1957. The law provides that when any residential district outgrows its schools, trunk sewers, storm drains, roads, water mains, and other public facilities, the town board is to ration building permits in the district. No more are to be issued than the annual average for the last six years. During 1956 only 40 new houses were built and 100 will be built in 1957. Top priority for permits will go to private owners, second to builders of four or five houses a year, and last to large-scale builders.

The township of **Haverford, Pa.**, has accumulated the sum of \$145,985.26 in its self-insurance fund for public liability since its initiation in October, 1932. Each year an appropriation of \$15,000 to \$18,000 is paid into the township insurance fund. This appropriation represents the premium that the township would have to pay if covered by an insur-

ance company. The annual cost of the self-insurance is chargeable to the departments where the risk is insured. About 175 employees and 58 pieces of township equipment are covered by the present liability insurance arrangements. The township also carries an employee group insurance policy for accident and sickness. The policy acts as a supplement to workmen's compensation benefits by covering disabilities incurred outside the employee's regular work.

In recent years many airports have been closed and their acreage converted to residential, commercial, and industrial uses because of the lack of expansion space necessary to accommodate modern aircraft. **Roosevelt Field in Nassau County, N. Y.**, has closed and its 370 acres are currently being subdivided for development of a shipping center and an industrial area. Another large airport, closed because of the demands of urban growth and because of citizen complaints about noise and fear of aircraft, is presently the scene of a shopping center and office building construction. Garden apartments and single family homes are slated to replace the **Congressional Airport** located near **Rockville, Md.** This airport is the sixth to be closed in Maryland since 1950.

**San Antonio, Tex.**, has issued a comprehensive bond prospectus to inform the interested bond buyer of the merits of a five million dollar issue of general obligation bonds to finance expressway and street improvements and sanitary sewer improvements. In addition to the description of the bond issue, the prospectus includes an outline of city debt and city resources and a summary of revenues, expenditures, and fund balances for all city funds from 1953-54 through 1955-56. The fi-

nances of city owned and operated utilities are summarized. Additional general information pertaining to San Antonio's economic base—industry, population, employment—and community facilities is included. Throughout the prospectus pictures, graphs, and tables are generously provided in illustration of the text.

Fire losses in 1955 amounted to a sum of \$1,140,768,000 according to estimates compiled by the **National Fire Protection Association**. This is an approximate increase of \$124,000,000 over the estimated loss of 1954, and represents the largest annual fire loss on record. Building fires constituted a damage of \$943,551,000; fires in residential buildings amounting to \$283,135,500. Smoking and matches caused approximately one-eighth of the 811,800 fires in buildings. However, the greatest dollar amount of loss, \$298,374,000, was from causes unknown.

The **Pennsylvania General Assembly** has amended the state vehicle code to control "litter bugs" by making them subject to a fine of \$25 and costs or imprisonment for not more than 10 days. The law prohibits persons from throwing or permitting to be thrown "from a motor vehicle any garbage, bottles, cans, rubbish, wire, glass, or cardboard or wood cartons or boxes." The operator of the motor vehicle will be held responsible for the violation of the law unless he reveals the identity of the person who broke the law. State police and local law enforcement officers are responsible for enforcing the law.

Police officers of **Tulsa, Okla.**, had an emergency of their own while enroute to answer an emergency call. The clutch burned out in the first car sent out, and a wheel fell off the police car that went to the rescue.

## 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.
  - #2 How can law enforcement officers be brought under social security? 1957. \$0.50.
- 1951 legislation affecting property and dog tax administration. 1951. \$0.50.

### Property tax bulletins:

- #1 1951 county tax rates. 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.
- #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.
- #14 Property tax changes to be proposed in 1957. 1956. \$0.50.
- #15 Tax Study Commission treatment of property tax. 1956. \$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.
- 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.
- 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.
- 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.