

Popular Government

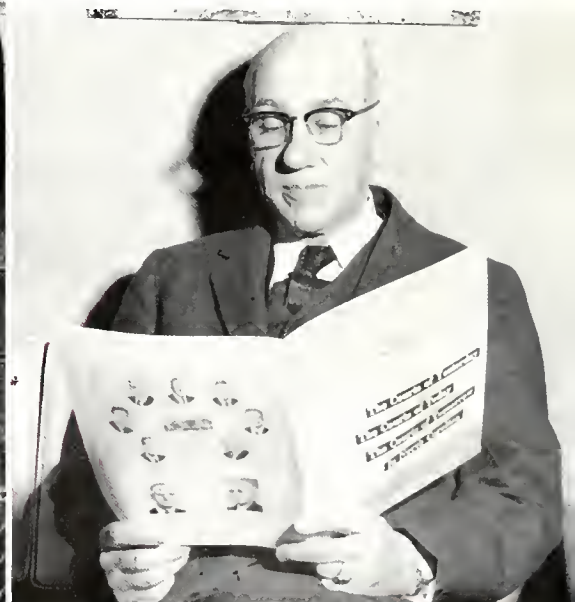
April 1958



J. Spencer Bell, Chairman Court Study Committee, and Governor Hodges



W. W. Taylor, Jr., Pres. N. C. Bar Association



Justice Emery B. Denny, Chrm. Judicial Council

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COVER

April's cover shows J. Spencer Bell, chairman of The Committee on Improving and Expediting the Administration of Justice in North Carolina of The North Carolina Bar Association, showing Governor Luther Hodges an initial research report from the Committee by Albert Coates, director of the Institute of Government. Also shown studying the report are W. W. Taylor, Jr., president of the North Carolina Bar Association, and Associate Justice E. B. Denny of the North Carolina Supreme Court. Justice Denny is chairman of the Judicial Council.

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IN NORTH CAROLINA

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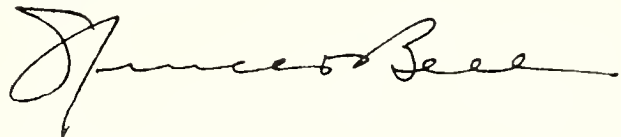
To the City, County, and State Officials of North Carolina:

For more than a year the Committee on Improving and Expediting the Administration of Justice in North Carolina has been engaged in a comprehensive study of the courts of North Carolina. The Committee is now publishing its tentative findings and recommendations. It is the hope of the Committee that these tentative recommendations will receive the critical attention of every citizen of North Carolina. Especially do we hope that you, the officials of the various governmental units within the State, will give the Committee the benefit of your thinking with respect to our proposals.

In order that you may have a clear picture of the existing court system, its defects and its virtues, we are publishing in the regular issues of *Popular Government* abridged versions of some of the basic research reports which the Committee has used as the basis of its deliberations. Part I of "The Courts of Yesterday, Today and Tomorrow in North Carolina," prepared by Albert Coates and his staff, is reproduced in full in this issue. It traces the historical development of all our courts. Part II, which will appear in the next regular issue, will be an abridgment of the original report, and will describe the existing courts of North Carolina.

You can make an important personal contribution toward the achievement of the ends of this Committee if you will send your comments on these research reports as well as on the recommendations to follow, to Albert Coates, Institute of Government, Chapel Hill, with a copy to me at Charlotte.

Sincerely yours,



J. Spencer Bell
Chairman

The Courts of Yesterday . . .

By Albert Coates

Director of the Institute of Government

With the assistance of his present colleagues, Alex Biggs and Robert Midgette; his former colleagues, Clifton Bumgarner, Basil Sherrill and Dillard Gardner; and Gladys Hall Coates.

The foundations of this report were laid in the early days of the Institute of Government by Dillard Gardner's basic studies of the structure and jurisdiction of our courts as recorded in constitutional provisions, legislative enactments and judicial decisions from 1868 to the 1920's, and by Gladys Hall Coates' studies of the origins and evolution of our court system throughout colonial days and the American Revolution, as recorded in the colonial records, the state records, historical studies growing out of these records and the early constitutions, statutes and decisions. In the last year and a half Clifton Bumgarner, Basil Sherrill, Alex Biggs and Robert Midgette have brought these basic studies up to date and have carried forward the meticulous researches which have found fulfillment in this writing.

Three times in the history of North Carolina its lawmakers have looked at our judicial system in an effort to see it clearly and to see it whole.

The first look came when the Charter from the Crown in 1663 and the Concessions in 1665 authorized the Lords Proprietors to establish a system of courts in the Province of Carolina — "consonant to reason, and as near as may be conveniently, agreeable to the laws and customs of this our realm of England." The second look came when the authors of the Constitution of 1868 looked around them at the shambles of a rural and agricultural society—destroyed by civil war and demoralized by "reconstruction"—and faced the problem of adapting old courts to a new society which had not begun to emerge, and whose shape they did not foresee and could not predict. The third look came when the Committee on Improving and Expediting the Administration of Justice in North Carolina was appointed by the North Carolina Bar Association in 1955 at the request of the Governor.

This report to the Committee outlines the system of courts which grew out of the work of our lawmakers from colonial beginnings to the American Revolution. It outlines the system of courts which continued from the American Revolution to the Civil War. It spells out in some detail the structure and jurisdiction of the courts which have come down to us through constitution, statute and decision from 1868 to this day. It points to problems facing the courts of today calling for solutions which will shape the courts of tomorrow.

THE COURTS OF YESTERDAY

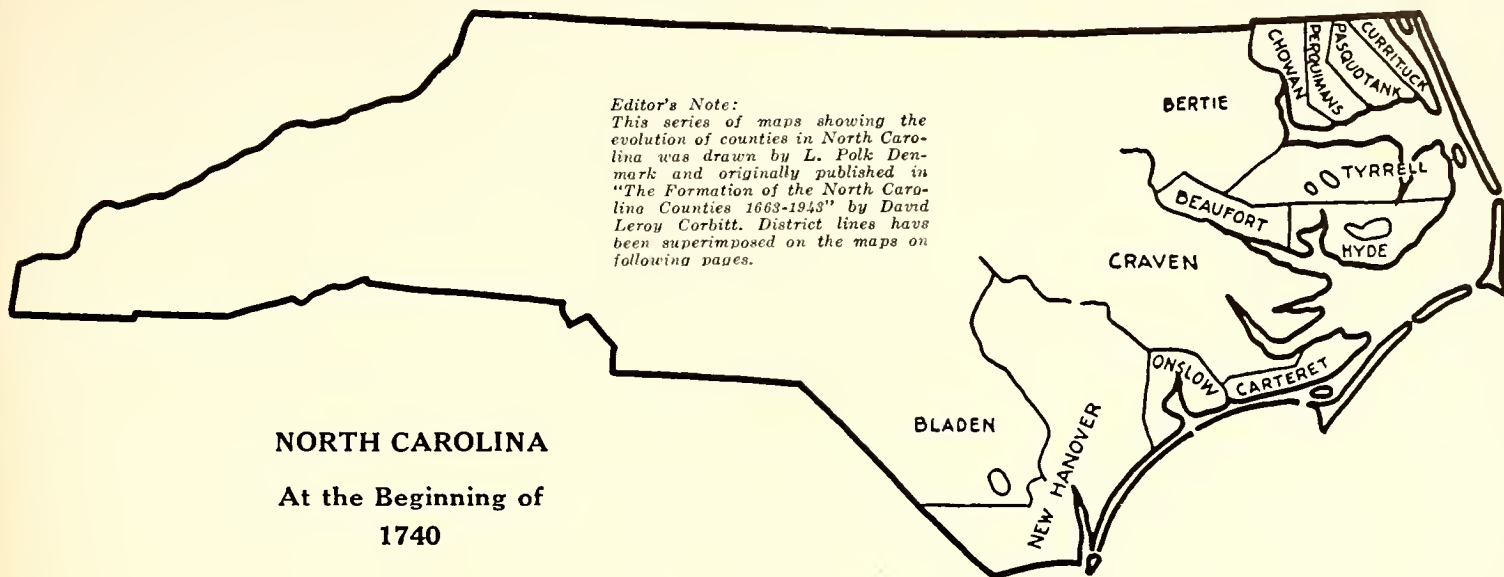
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The Courts of the Colony—From 1663 to 1776

The Charter from the Crown. The charter from the Crown in 1663 and the Concessions of 1665 granted "full and absolute power to . . . Edward Earl of Clarendon, George Duke of Albemarle, William Lord Craven, John Lord Berkeley, Anthony Lord Ashley, Sir George Carteret, Sir William Berkeley, and Sir John Colleton, and their heirs . . . by and with the assent of the free men of the colony . . . to constitute all Courts for their respective Countyes, together with ye Lymitts powers and jurisdictiones of ye said Courts as also ye severall offices and Number of Officers belonging to each of the sd respective Courts together with their severall and respective salleryes fees and prequisites Their appellations and dignities with the penalties that shalbe due to them for breach of their severall and respective duties and trusts. . . .

"And to do all and every thing and things, which, unto the compleat establishment of justice, unto courts, sessions, and forms of judicature, and manners of proceeding therein, do belong, . . . : *Provided nevertheless, that the said laws be consonant to reason, and as near as may be conveniently, agreeable to the laws and customs of this our realm of England.*"

Planning under the Charter. With this grant of power the duly accredited authorities looked



NORTH CAROLINA

At the Beginning of
1740

back on the system of courts growing out of the complexities of life in a closely-knit England. They looked around them at the few hundreds of people slowly increasing to thousands, scattered over a wilderness, making their living and living at home. They studied the system of courts set forth by John Locke in the Fundamental Constitutions of Carolina in 1669—with its strange sounding names of “Palatine’s Court, Proprietors’ Court, Chief Justice’s Court, Precinct Courts, Constable’s Court, Admiral’s Court, Treasurer’s Court, Chamberlain’s Court.” They gradually discarded most of its provisions, and in the letter and the spirit of the common law and its traditions they adapted old customs to new conditions and built a system of courts which withstood the storm and strife of the American Revolution and lasted till 1868.

The Courts of the Colony. The courts of the colony started with the General Court, which had jurisdiction of all cases in law and equity, and legislative and executive responsibilities as well as judicial. It was staffed by the Governor with “six councillors at least or twelve at most or any number between six and twelve,” charged by the Lords Proprietors “to do equal justice to all men to the best of their skill and judgment without corruption, favor or affection.”

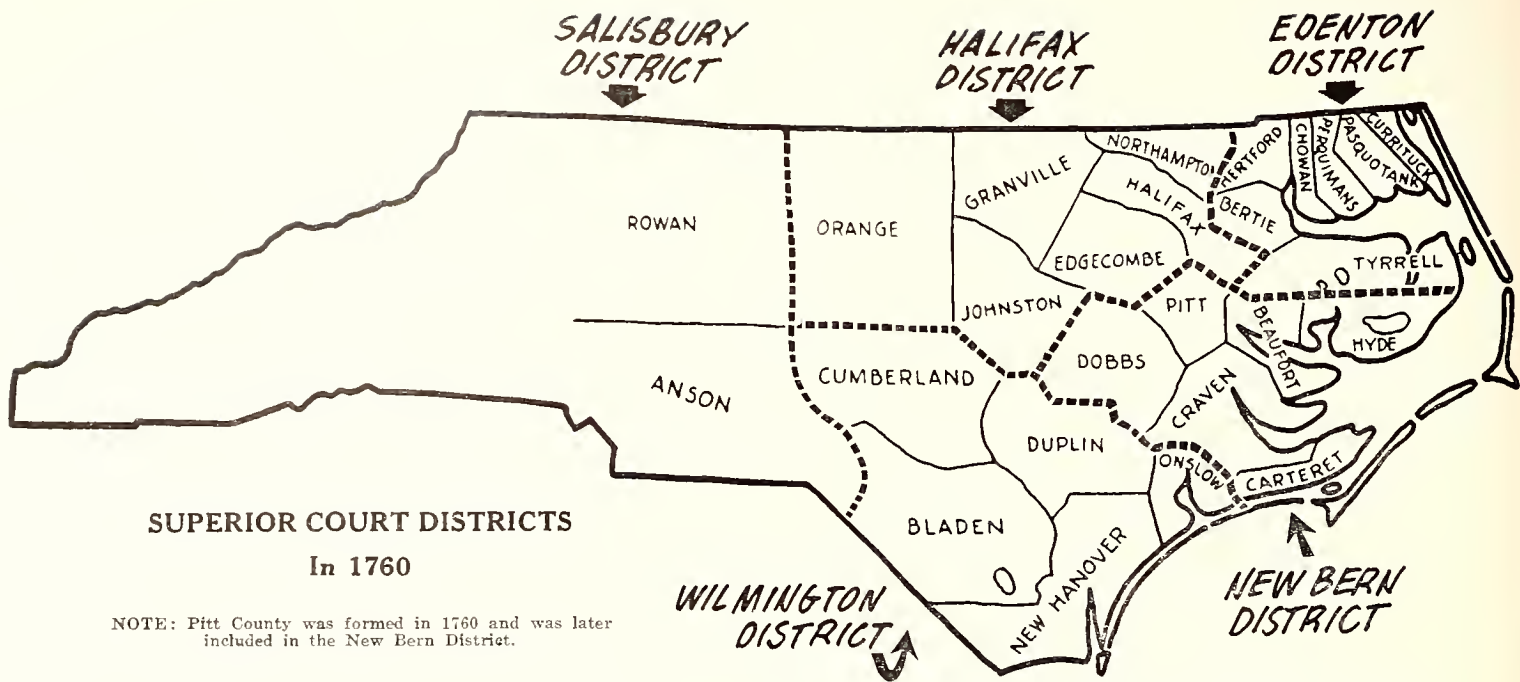
Within a generation this General Court was evolving into a system of courts, including (1) a single justice of the peace in practically every neighborhood to try the smaller civil and criminal cases at almost any time and almost anywhere, (2) a County Court of Pleas and Quarter Sessions in each county to hear appeals from the justices of the peace and to try larger civil and criminal cases beyond the jurisdiction of the justice of the peace, and (3) Superior Courts for each district grouping of counties, to hear appeals from the County Courts

of Pleas and Quarter Sessions, and with general civil and criminal trial jurisdiction.

Justices of the peace in every locality in the state had the same jurisdiction and procedure. County Courts of Pleas and Quarter Sessions in every county in the state had the same jurisdiction and procedure. Superior Courts in every district in the state had the same jurisdiction and procedure. And appeals went in similar fashion, for similar causes, and by similar procedures—from justice of the peace courts, to the county courts, to the Superior Courts.

Judges of the Superior Courts traveled circuits to hold court in district centers throughout the colony. A ten-day term twice each year was provided by the laws of 1762: at *New Bern* for the district including the counties of Craven, Carteret, Beaufort, Hyde, Dobbs and Pitt; at *Edenton* for the district including the counties of Chowan, Perquimans, Pasquotank, Currituck, Bertie, Tyrrell and Hertford; at *Wilmington* for the district including the counties of New Hanover, Bladen, Onslow, Duplin and Cumberland; at *Halifax* for the district including the counties of Northhampton, Halifax, Edgecombe, Granville, Johnston and Orange; and at *Salisbury* for the district including the counties of Rowan and Anson.

Selection and Tenure of Judges. The justices of the peace were usually appointed by the Governor, with the advice of his Council, for a period of life or good behavior; three or more of these justices of the peace made up the county court in each county, and they appointed the clerk of the county court. The judges of the Superior Court and the Attorney General were appointed by the Governor — first representing the Lords Proprietors and later the Crown — for life or good behavior, and they in turn appointed the clerks of the Superior Court.



SUPERIOR COURT DISTRICTS

In 1760

NOTE: Pitt County was formed in 1760 and was later included in the New Bern District.

The Courts of the State—From 1776 to 1868

The second look at the Courts by the lawmakers came with the Constitutional Convention of 1868.

The Justice of the Peace. There was a justice of the peace with the same jurisdiction and procedure in every neighborhood throughout the state. He had jurisdiction in the smaller civil and criminal cases—jurisdiction which had existed for the ninety years from 1776 to 1868 with little change.

The County Courts. There was in every county a County Court of Pleas and Quarter Sessions with the same jurisdiction and procedure. It was staffed by three or more justices of the peace, exercising local legislative power, handling the administration of county government, and sitting in judgment in civil and criminal cases beyond the jurisdiction of the justice of the peace—powers which had slowly expanded from colonial beginnings by orderly growth in a uniform pattern.

The Superior Courts. There were Superior Courts with the same jurisdiction and procedure in every district in the state. They had jurisdiction in civil, criminal and equity cases and other matters—jurisdiction which had continued in orderly patterns of growth with little change from colonial beginnings.

Throughout this period appeals went in orderly fashion from justice of the peace courts to county courts to Superior Courts.

During the ninety years from 1776 to 1868, judicial districts and judges had varied from six in 1777, to eight in 1790, to six in 1806, to seven in 1837 and to eight again by 1862.

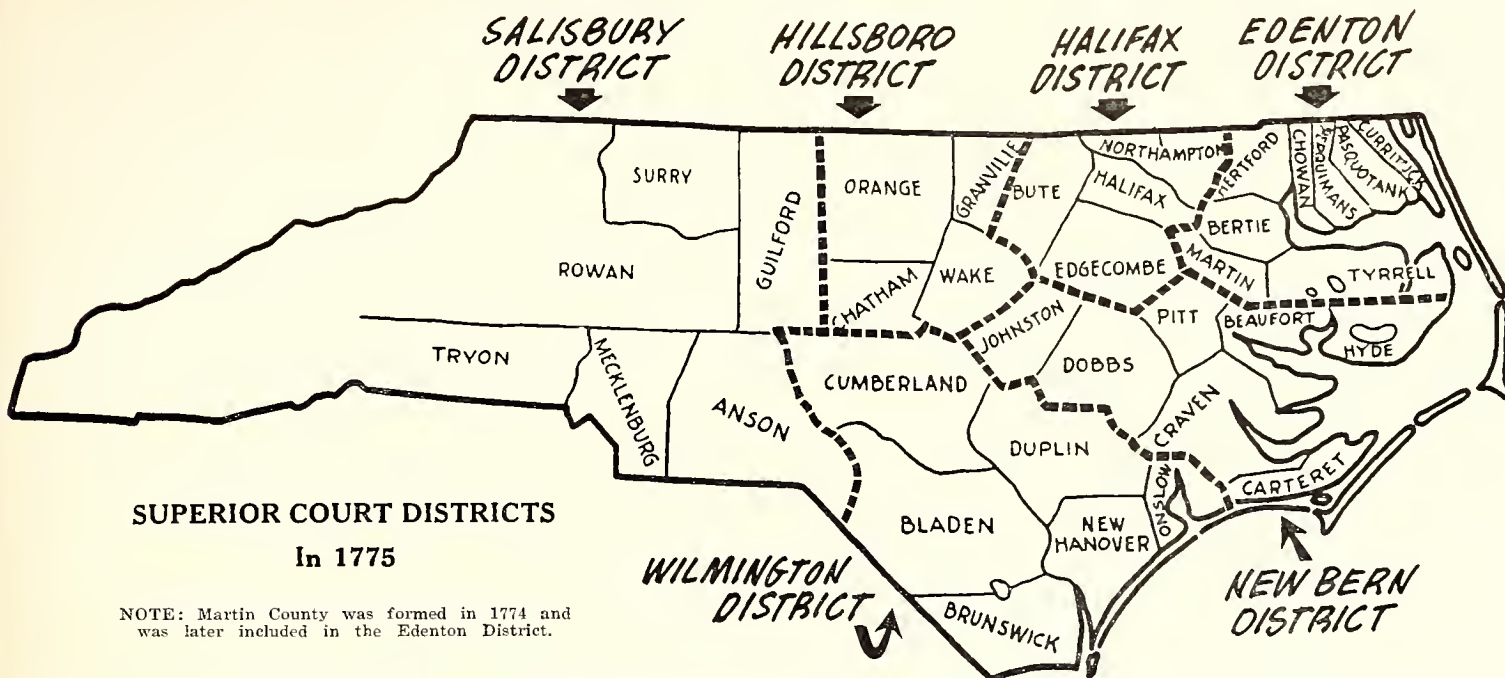
Under the Laws of 1777 Superior Court judges

had been required to hold two twelve-day terms of district court each year in New Bern, Edenton, Wilmington, Halifax, Hillsboro and Salisbury, for the counties in their respective districts.

By 1790 the state was divided into Eastern and Western "Ridings," with four districts in each Riding; judges rotated through the districts in each Riding, with one judge from each Riding passing into the other Riding on the completion of each circuit. By 1806 Superior Court sessions were moved from "district center towns" to county seats; and Superior Court judges were required to hold one-week terms, twice a year, in each county. By the 1830's the General Assembly was broadening the Superior Courts of Law into the Superior Courts of Law and Equity — because "many innocent men are withheld of their just rights for want of courts of equity."

The Supreme Court. In 1799 a legislative act gave the Superior Court judges, sitting *en banc*, authority to pass on law and equity questions which a judge on circuit did not want to decide alone or on which trial judges could not agree. The appellate court idea was developed further in a legislative act of 1810 permitting a party dissatisfied with a Superior Court ruling to remove the case to the full bench. In 1818 this appellate court became the Supreme Court of North Carolina — with three judges having jurisdiction "to hear and determine all questions of law, brought before it by appeal from a Superior Court of Law, and to hear and determine all cases in equity brought before it by appeal from a court of equity, or removed there by the parties thereto."

Selection and Tenure of Judges. Throughout this period from 1776 to 1868 justices of the peace had been appointed by the Governor on the recommendation of members of the General Assembly



from their respective counties “during good behavior”; and Superior Court judges and Supreme Court judges had been appointed by joint ballot of members of both houses of the General Assembly, and commissioned by the Governor.

The Courts of 1868. With this background to guide them, the lawmakers of 1868 abolished “the distinctions between actions at law and suits in equity, and the forms of all such actions and suits”; and provided “one form of action for the enforcement or protection of private rights, or the redress of private wrongs, which shall be denominated a civil action; and every action prosecuted by the people of the state as a party, against a person charged with a public offence . . . shall be termed a criminal action.”

They wrote into the Constitution provision for the Supreme Court with jurisdiction “to review, upon appeal, any decision of the courts below, upon any matter of law or legal inference; but no issue of fact shall be tried before this court; and the court shall have power to issue any remedial writs necessary to give it a general supervision and control of the inferior courts.”

They eliminated the pre-war county court from the judicial system, divided the jurisdiction of civil and criminal cases between the single justice of the peace and the Superior Court, transferred to clerks of the Superior Court the probate jurisdiction of the pre-war county courts, and created a board of county commissioners in each county and transferred to them most if not all of the executive and legislative powers previously vested in the county courts.

They fixed the dividing line of jurisdiction between the justice of the peace and the Superior Court at \$200 in “civil actions, founded on contract . . . wherein the title to real estate shall not be

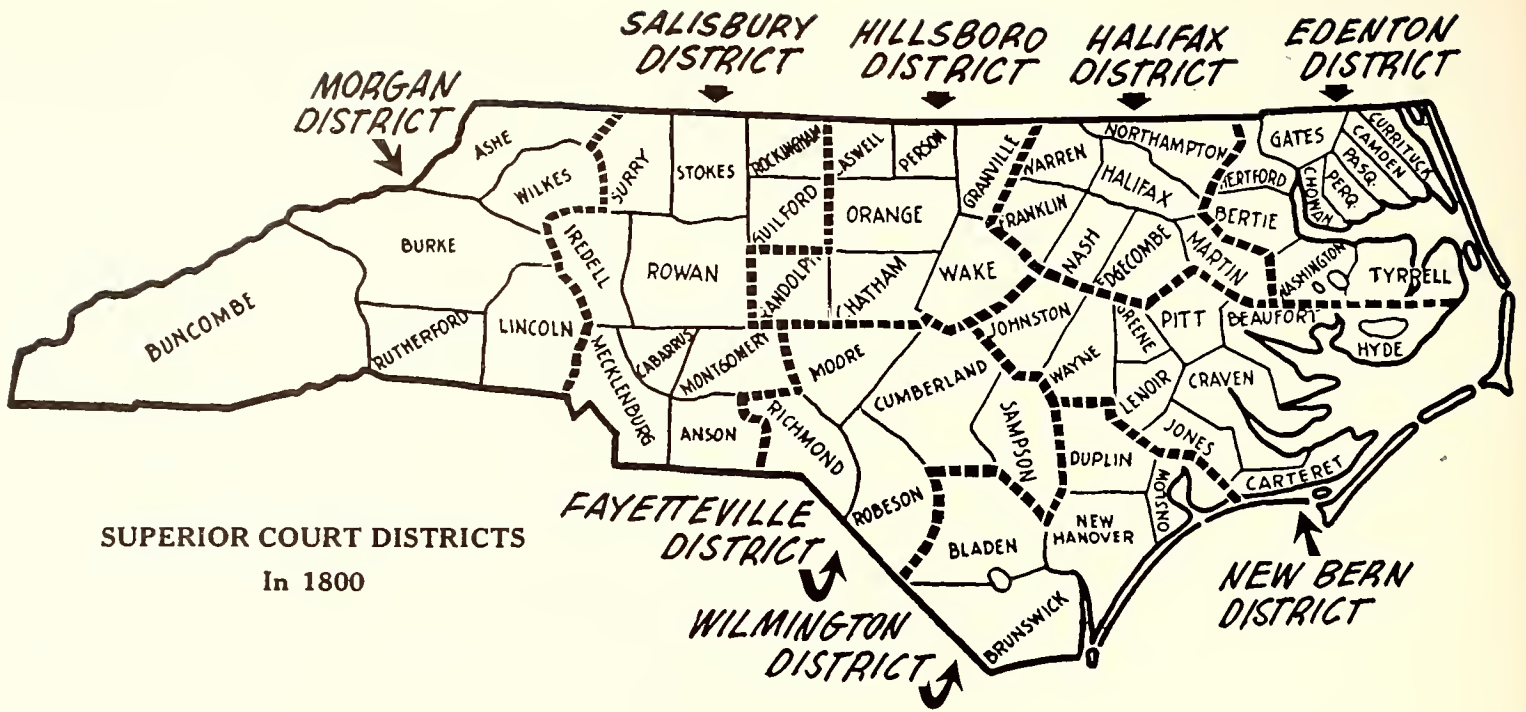
in controversy” with the justice of the peace having “exclusive original jurisdiction” below this line and the Superior Court having “exclusive original jurisdiction” above it.

They fixed the dividing line of jurisdiction in criminal cases at “a fine of fifty dollars or imprisonment for one month” (thirty days in 1875) — with the justice of the peace having “exclusive original jurisdiction” of offenses below this line and the Superior Court having “exclusive original jurisdiction” of offenses above it.

They provided for future growth of the judicial system (1) by increasing the Superior Court districts from nine to twelve, (2) by increasing the number of justices of the peace to two in each township and allowing the General Assembly to increase the number of justices of the peace in cities and towns and in those townships in which cities and towns were located, and (3) by permitting the General Assembly to establish “special Courts for the trial of misdemeanors in cities and towns where the same may be necessary.”

They provided for election of Supreme Court Justices by the voters of the state for eight-year terms, for election of the Attorney General by the voters of the state for a four-year term, and for the appointment of a Supreme Court clerk, marshal, librarian, and reporter by that Court, for election of Superior Court judges by voters of the state for eight-year terms, for election of solicitors by voters of each district for four-year terms, for election of a clerk of court by the voters of each county for a two-year term, and for election of justices of the peace by the voters of townships for two-year terms.

They preserved the simplicity and uniformity of structure and jurisdiction which had developed in colonial days and continued after the Revolution

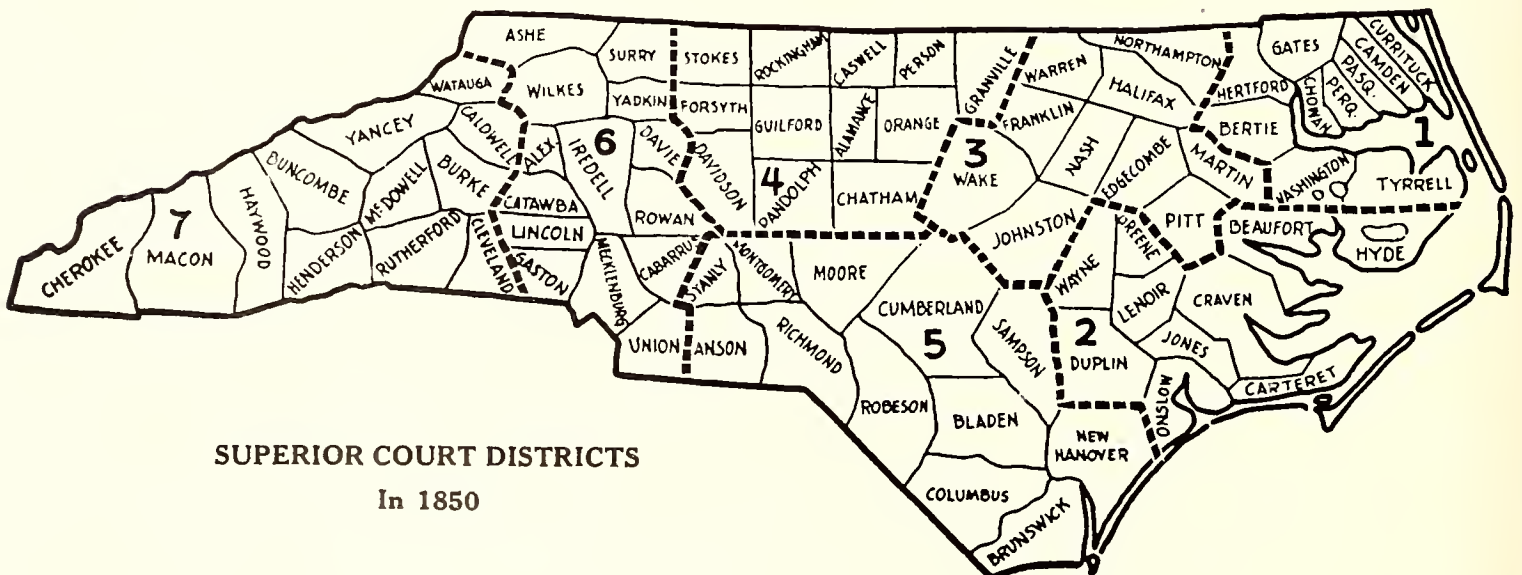


SUPERIOR COURT DISTRICTS
In 1800

through the Civil War by providing a uniform method of selection, term of office, jurisdiction and procedure for every justice of the peace in every town and township in the state, for every Superior Court judge in every district in the state, for every Superior Court solicitor in every district in the state, and for every Superior Court clerk in every county in the state. With the intermediate county court eliminated, they provided for appeals from the justice of the peace to the Superior Court, and from the Superior Court to the Supreme Court.

The Changes of 1875. Amendments to the 1868 Constitution in 1875 continued the basic pattern of 1868, and gave the General Assembly a freer hand to adapt the judicial system to future needs by (1) removing the fixed limit on the number

of judicial districts and permitting the General Assembly to increase or decrease them as the need occurred, (2) removing the fixed limit on the number of justices of the peace and permitting the General Assembly to add others as it saw fit, (3) taking out of the Constitution the "exclusive" original jurisdiction of the justice of the peace and the Superior Court over cases on either side of the \$200 dividing line in civil cases and the \$50 — thirty-day dividing line in criminal cases, and (4) giving the General Assembly power to "allot and distribute that portion of this power and jurisdiction which does not pertain to the Supreme Court among the other courts prescribed in this Constitution or which may be established by law, in such manner as it may deem best. . . ."



SUPERIOR COURT DISTRICTS
In 1850

Can A City Stay Out of the Parking Lot Business?

By GUY BROWNING ARTHUR

Mr. Arthur's story and the pictures accompanying it originally appeared in PUBLIC WORKS and is reprinted through the courtesy of that publication.

A city should, Greensboro, N. C., thinks, maintain meters on the streets to divide parking time equitably between all users, because the streets belong to the public. To go beyond this, and risk public funds in the domain of gainful business, should not be necessary.

Nevertheless Greensboro is in the parking lot business. It has eight municipal lots in the busiest downtown section. From the time the first meters were installed on the streets the city has had a policy which developed into the parking lot era with one aim: To make sure there is enough off-street parking to accommodate all comers, expanding with the city's growth. It lives with that policy in a spirit of enlightened public service.

So far the supply of spaces has kept ahead of demand, and the city government is determined to expand steadily to stay ahead. Lots are to be located within the downtown area, within a few blocks of concentrations of use; near office buildings, stores and services.

MODERN DEVICES NEEDED

Whether the lots are operated by citizens, or by the city, is not important. Citizens are encouraged to build more lots, and to construct them in line with the most progressive ideas. Their management is expected to be efficient by high standards of service to the public, so they will attract and hold customers. Modern devices should be installed, the lots should be kept clean, and their hours should be long enough to accommodate all kinds of trade.

Yet with all its cooperation with citizen owners, the city has found that it must proceed in its long-range planning from the conviction that all privately owned lots are temporary. Every lot is a potential site for a new building. There is no assurance that even the most profitable private lot will not be sold for that purpose. The owner may profit from the sale, but the city will lose an important block of parking spaces. Nothing can be done to hinder

this, for any owner has the right to make a profit on his investment.

The city now has a population of over 75,000, on an area of 22 square miles. It grows steadily and conservatively. It is inevitable that the land in the down-town section will become more valuable. There will have to be more buildings. That will make it more difficult for privately operated lots to earn a proper return on their investments. Owners will have more opportunities to sell to persons seeking land for the new buildings. There will be higher profits from such sales.

Lots which lease their land will be faced with shorter leases, higher rentals, and more insecurity. It will become more difficult to find desirable locations at rentals that will leave a profit. New renters will cut their own investments to lower figures, possibly with the effect of making their lots less



Monthly parking lot with electronically controlled entrance and exit gates.

attractive than they could be. If they operate with attendants, the steady rise in wages and all other costs will increasingly deter them from paying higher rentals, and the lots will go out of business.

The city has to face this: the transitory nature of such private enterprise. Ordinarily a city might shrug it off, but Greensboro does not. Parking off the street is a demanding problem which will not grow less. A total number of spaces, higher than demand, must be provided and maintained in the congested downtown section by someone—the city or private interests. The problem is not which interest; it belongs, as a whole, to the community. The community wants to park its cars near its destinations.

What the city hopes the citizen-owners will do is to evolve their surface lots into 2-story, 3-story and even 4-story garages. By thus increasing the revenue from the same surface area the lots should be able to stay in business, increasing the space as the demand grows. To financing institutions this may be as attractive as any other development of the property, providing the rising investment is kept within sound ratio to expected return. The return must be at least equal to that which could be expected from any other development.

GARAGES ARE NEXT STEP

If these lots do not develop with the demand, and especially if they are sold to be sites for new buildings, the city will be forced to build garages on its surface lots. This is a long step from the basic policy that the city would rather be out of the parking lot business, but it may become unavoidable.

It is plain that the city cannot stay out of the business. Parking must be provided, and privately owned and operated help is too uncertain. The hope that it could stay out, or at least stabilize and pace the business with a few municipal lots, went out the window with the first venture. Private business is operated for profit; the responsibility of city officials is for service to the public. While the two can cooperate along the lines of service, they part with little ceremony when profit looms into view. Therefore the city cannot plan long-range parking programs with very much dependence upon private-capital help.

When the city policy was set up, with the installation of the first meters, in 1945, it was determined that all revenue from the meters would go into a fund for the relief of traffic congestion. Greensboro is an open city, with wide streets, and in 1945 no one was thinking beyond equitable rationing of curb space. At that time scarcely anyone thought how the meter fund might have to be spent. As curb space became inadequate, the first parking lots came into existence here and there: merely empty

lots in which cars could be left for hours or all day for a small fee.

The first municipal lot was built in 1949, with 53 spaces. Then in 1953 a traffic survey was made by W. F. Babcock, then teaching traffic engineering at the State University. He has recently been appointed Director of the State Highway Department. His survey proved that planning for future parking space would have to move much faster to keep ahead of demand.

As more city-owned lots were opened the basic policy began to show its worth. It was fair to everyone. No new lot was built without making a thorough survey of supply and demand in the area, consulting with all private operators who would be affected. Rates have always been established in line with those being charged in nearby lots, sometimes modified by conditions, and by the nature and quality of service.

Citizen-owned lots have never had to fear the competition of the city. City-owned lots have done more to build business than those already operating in an area. As more space has been provided in a block, more cars came—often more than the new lot would accommodate—and more trade went to the lots nearby.

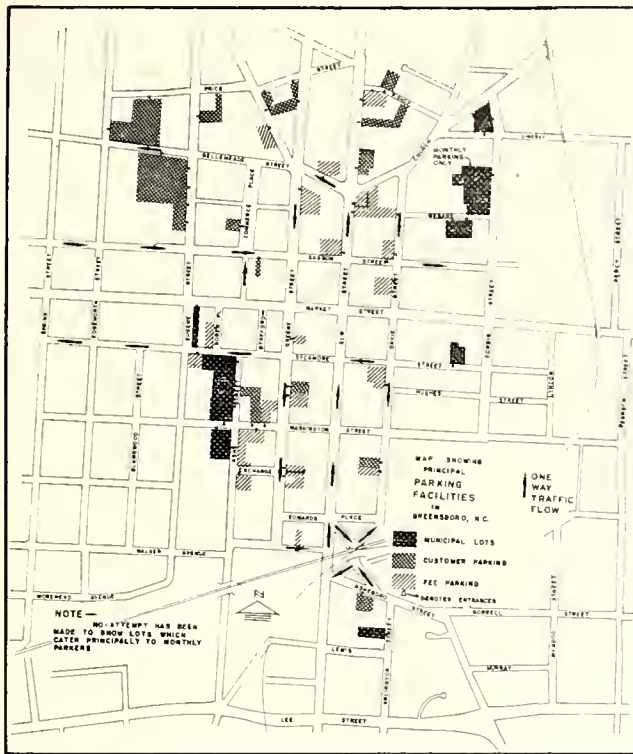
The city checks frequently on the occupancy percentage of all lots to see how the demand in any area—and in the city as a whole—grows, and this is a steadying guide in planning more space. This checking is done at various times in the day or week, but particularly during peak hours. This is one business in which maximum figures are the indicators. The requirement is space for all the cars that want to get in. If the lots are nearly empty in low-demand periods, that is not too important.

DESIGN OF LOTS AND SPACES

A lasting impression of the city-owned lots is that they are good to look at. They are smoothly paved, and kept clean. The entrances and exits are wide enough to permit of easy maneuvering. Car spaces are unusually wide and long and the parting lines are double, to make plenty of room for opening car doors.

In the monthly parking lot the holder of the space has his name and card number painted on the pavement so that it can be seen under the rear bumper. Trespassers are treated just as any other trespassers, and with dispatch.

To show how the demand has grown for parking, 277 spaces have been added to Ashe Lot Number 1 since 1949. Of this total 75 spaces were added in 1956. Today there are eight municipal lots, with a total of 822 spaces. Three more lots are planned, at this point, to provide 143 more spaces.



Map of downtown Greensboro showing municipal lots and free and customer parking.

Like the lots privately owned, the city's first ones were operated with attendants. Now there is an interesting departure in two lots where "ticket spitters" and gates are installed. In one lot where an attendant still takes the money on the exit side, the "ticket spitter" polices only the entrance.

A treadle is installed in the pavement alongside the booth. Above a square housing on the curb a little box-like snout projects toward the pavement. When a car enters it depresses the treadle. This actuates the electronic device in the housing, and a yellow ticket, two inches by four, is thrust out through the snout to the driver. On the card is stamped his entering time. He pockets it and finds a place in the lot.

When he leaves he drives out on the other side of the booth and presents his ticket to the attendant in the usual way. It is run through a time-stamping machine and the attendant makes the computation and collects the fee. This is one of the largest lots, and the treadle makes many contacts, continuously at peak hours.

The system goes a step farther in the monthly parking lot. There is no attendant here, and the entrance and exit gates are controlled electronically. An applicant for space pays five dollars for a monthly ticket. It has his name printed, and a code number punched through. When he enters the lot he drives close to the little projecting box, and slips his card into the snout. By electronic

contacts the gate which bars his way is lifted, and he drives through.

On leaving he does the same thing. When he inserts his card in the box the gate swings up and he drives through. The gates close automatically after each car passes through, actuated by electric eyes.

The devices used in the lots are manufactured by Automatic Parking Devices, Inc. and the Parking Corporation of America. The system has now been extended to have two gates, one in front, the other behind, each car. No car can barge in, and none can get out except between the two gates operated by a card. The device automatically locks up when the lot is full, and no more cars can enter. An anti-panic gate is provided for release of all cars in an emergency.

All of the eight municipal lots have been built with the meter fund. The fund is now increasing more rapidly with revenues from the parking lots, and is expected to provide all money required for expansions up to a point where the city may have to build garages on their surface space. Then a Parking Commission will be appointed, with power to issue revenue bonds to cover costs.

INCOME AND EXPENDITURES

At the present time income for the fund, from parking lots and meters, is about \$115,000 a year. This year about \$82,600 is being spent for new lots and additions to existing lots.

The lots have cost an average of \$800 per car space, varying from \$1100 down to \$500. This includes all work; clearing, leveling, paving, electronic gates and meters. The revenue averages about \$70 per space per year, ranging from \$110 down to \$50.

The saving in the use of the electronic devices is not separated, but it must be considerable. Salaries for attendants would be the biggest item, but there might be uniforms to consider, and several minor items. The salary item alone at a big lot, in a town the size of Greensboro, might be as much as \$4,000.

For the monthly parking lot the electronic gate cost \$1,000. At the other lot, where an attendant takes the tickets, the complete installation cost \$3,750. It could have been rented at \$125 per month.

The man behind this parking lot business has been City Manager J. R. Townsend, and he has been aided by Col. L. L. Bingham, his Administrative Assistant. To them the parking lot is essentially private enterprise, but they accept the compelling forces that project the city into the business.



PUBLIC PERSONNEL

By DONALD B. HAYMAN

Assistant Director, Institute of Government

EMPLOYEE COMMUNICATIONS

Three new employee publications have been started by North Carolina governmental units this year. A four-page monthly employee news bulletin, titled "Career," was distributed for the first time April 1 by the N. C. State Personnel Department. In approving the bulletin, Governor Hodges expressed the hope that it would promote a better understanding among all who work for the State.

The bulletin is designed to serve as a clearinghouse for personnel information among departments and employees. Included from time to time will be articles on job opportunities in State government, reports performed by various agencies, feature articles on individual State employees, reports on job classification and pay, and other personnel items. The bulletin will be distributed through the various State departments and agencies.

"City Employees News" is the title of a duplicated news sheet which has been distributed monthly to all Statesville employees since January. Each issue has contained announcements of general interest to city employees such as a city hall open house and the placing of suggestion boxes in all buildings where city employees work. Notes of commendation have also been included for an employee or group of employees who have performed some special service. The remainder of the newsletters have been devoted to personal items such as births, illnesses, new employments, vacations, and training courses or meetings attended.

Burlington's new employee publication is entitled the "Employee Newsletter." The first edition, published February 24, was attractively multi-graphed on a single sheet of blue paper. The first issue contained a brief explanation of hospital and medical insurance premiums as a tax deduction, and notes on promotions, new employees, training activities and the weddings of city employees.

Oldest and the most elaborate public employee publication in North Carolina is "Roadways," the bi-monthly publication of the Public Information Department of the State Highway Commission. This picture-filled magazine which is now in its eighth year contains numerous items of interest to highway employees. Each issue contains articles on general program developments affecting the highway department. Each issue contains information about employee promotions, organizational changes, and personal notes and pictures about highway employees and their families from all 14 divisions. Each issue also includes a letter from the Director, a page devoted to the activities of the N. C. State Highway and Public Works Employees Association, and an honor roll including a biographical sketch and photo of every employee with 30 years of service.

FIRE PREVENTION SHORT COURSE

Approximately sixty fire inspectors and fire department officials attended the Second Short Course in Fire Prevention at the Greensboro training and maintenance center, January 28-31. The short course was under the direction of R. Kenneth Scott, chief engineer, N. C. Fire Insurance Rating Bureau. The twenty-three instructors or lecturers included Chief Donald S. Charles of Charlotte, President of the International Association of Fire Chiefs, Warren Y. Kimball, editor of *Firemen* magazine, and J. C. Robertson of the University of Maryland.

WINSTON-SALEM'S TRAINING PROGRAM

In 1953 John M. Gold, Winston-Salem's city manager, concluded that more and better employee training was necessary if municipal administration was to be improved. He sought and obtained the cooperation of the Board of Aldermen and city department heads. The results of the cooperative effort in the intervening

years have brought the City of Winston-Salem national recognition.

During 1957, 601 Winston-Salem employees spent a total of 16,512 man-hours attending one of 38 different training courses. This total does not include in-service training given during normal departmental operations or staff conferences attended by employees for the purpose of keeping posted on developments in their respective fields.

Seventy-seven per cent of the training hours were in classes conducted by city instructors. These classes included a school for engineering aides, an equipment operators school, two fire-police schools, a fire recruit school, a police recruit school, and safety classes for laborers and trade employees.

Ten per cent of the training time was in college sponsored courses. These courses included an arson school at Purdue University, a hospital administration school at the University of Chicago, a supervision of police personnel school at Northwestern, a burner service school at N. C. State College, and a municipal administration seminar, a municipal finance officers' school, a purchasing school, a regional sewage operator school, a sewage and industrial waste operators school, and a waterwork operator short school at the University of North Carolina.

Seven per cent of the hours spent in training were in ICMA correspondence courses in fire administration and local planning administration.

Five per cent of the training hours were in courses planned by professional organizations. These courses included the N. C. Fire College and Drill School, the N. C. Pump School, the Memphis Fire Instructor's Conference, the FBI Retraining Session, a Nursing Service Institute and a Record Librarian's Institute sponsored by the American Hospital Association, and a Librarian's Workshop sponsored by the N.C. State Library.

(Continued on page 15)

The Attorney General Rules . . .

By John L. Sanders

Assistant Director of the Institute of Government

AGRICULTURE

Drainage districts—authority to assess property for floodwater control projects. Public Law 656 (16 U. S. Code § 1001 *et seq.*) makes federal funds available to certain local organizations for the construction of floodwater retarding structures, provided the local organizations will operate and maintain the improvements when constructed. May a drainage district or a soil conservation district assess land within the district and use the proceeds for the maintenance and operation within the district of floodwater retarding structures built under the provisions of Public Law 656?

To: R. M. Dailey.

(A. G.) No. I find no provision of Chapter 139 of the General Statutes authorizing soil conservation districts to make assessments for any purpose. G.S. 156-54 authorizes drainage districts to construct certain kinds of improvements for the purpose of draining and reclaiming wet, swamp, or overflowed land and G.S. 156-92 and 93.1 authorizes assessments against the land benefited to finance the construction and maintenance of those projects. From the foregoing it would seem that drainage districts are presently authorized to maintain and make assessments for improvements for drainage purposes only, and are not authorized to maintain and make assessments for flood control projects.

BANKS

Bank cashier need not be stockholder in bank. Must a bank cashier be a stockholder in the bank for which he works?

To: Garland S. Garriss

(A.G.) No. There is no requirement in the North Carolina statutes or in

the rules and regulations of the State Banking Commission that a cashier or assistant cashier be a stockholder in the bank he serves.

Protection of bank deposits. A state-supported college has on deposit in a certain bank money which was borrowed from the bank, the loan being represented by notes of the college held by the bank. If the bank were to fail, could the college offset its indebtedness to the bank against its deposit in the bank? Should the bank be required to post collateral?

To: F. D. Duncan.

(A.G.) The college would be liable for 100% of its indebtedness on the one hand and, on the other hand, it would be entitled to receive only its pro rata part along with other depositors in the sharing of assets. Therefore, you should follow the same procedure in protecting the funds in question as you would follow in the case of other bank deposits of the college.

CRIMINAL LAW

Election of solicitor to try defendant for lesser degree of crime—recommendation of mercy by jury in capital cases. In *State v. Green*, 246 N.C. 717, where the indictment charged the capital offense of rape, the solicitor at the outset of the trial dictated into the record the following announcement: "The State will not ask for a verdict of guilty of the capital crime carrying the death penalty, but will ask for a verdict of guilty of rape, with the recommendation of life imprisonment or guilty of attempt to commit rape, as the facts and law may justify." 246 N.C. at 718. (The Supreme Court did not consider this announcement, as no exception was made on the point.)

Did the announcement by the solicitor constitute proper practice in capital cases?

To: Harvey A. Lupton.

(A.G.) No. The statutes dealing with the four capital offenses, murder, rape, burglary, and arson, have all been amended so that each includes a proviso reading substantially as follows: "Provided, if the jury shall so recommend at the time of rendering its verdict in open court, the punishment shall be imprisonment for life in the State's Prison, and the court shall so instruct the jury." (See G.S. 14-17, 21, 52, and 58). We think that all of these provisos relating to a recommendation of mercy in our four capital crimes relate only to punishment and not to degrees of those crimes. See *State v. Carter*, 243 N. C. 106; *State v. McMillan*, 233 N.C. 630. The recommendation of mercy by the jury is an unbridled discretionary right. The announcement by the solicitor in the *Green* case destroys this unbridled discretion, since if the jury elects to return a verdict in the primary or higher offense, it must accompany the verdict with a recommendation of mercy. We conclude, therefore, that it is not proper practice for a solicitor to try a defendant on the basis of the jury's recommendation in a capital offense, and that he must either elect to waive the capital offense and try the defendant on a lesser degree, or he must try the defendant on the capital offense knowing that the jury has an unbridled discretion to give or withhold the recommendation of mercy.

Habeas corpus ad prosequendum—jurisdiction of superior court judge to issue writ as to federal prisoner wanted for state trial. May a Judge of the North Carolina Superior Court,

on application of a prisoner confined in the federal penitentiary in Atlanta, issue the writ of *habeas corpus ad prosequendum*, ordering petitioner brought back to North Carolina for trial for a state offense?

To: Judge J. Frank Huskins.

(A.G.) This petitioner is not entitled to have the writ applied for issued by you, and you should decline to issue this writ for the following reasons: (1) the petitioner is outside the jurisdiction of your court and in another state; (2) the petitioner is committed or detained by virtue of process issued by a court of the United States in a matter over which the federal judges have exclusive jurisdiction under the laws of the United States; (3) the petitioner is detained by virtue of a judgment or decree of a competent tribunal (see G.S. 17-4(2)); (4) the petitioner by his own conduct, which caused his imprisonment in a federal penitentiary outside the jurisdiction of this State, has waived any right that he may have for trial in this State according to his own wishes in the matter; (5) the prisoner does not allege and show that the Attorney General of the United States has agreed or consented that he may be sent to this State for trial (see 18 U.S. Code § 4085(a)); (6) the prisoner's return to this State is entirely a matter of comity or agreement between this State and the federal government.

COUNTIES

Temporary investment of bond issue proceeds in savings and loan associations. Davidson County has on hand several thousand dollars of bond proceeds which will not be spent for several months. May the county commissioners temporarily invest up to \$10,000 of these funds in each of six savings and loan associations located in the county, where each account is insured by the Federal Savings and Loan Association Corporation, a federal agency?

To: Charles W. Mauze.

(A.G.) G.S. 159-49.1 and 49.2 provide that when the proceeds of any bonds sold by any county, city, or town shall not be needed for a period of not less than 90 days, such county, city or town may, with the prior approval of the Local Government Commission, invest the proceeds of such bonds in certain types of securities, including the bonds or notes of any agency or instrumentality of the United States the payment of the

principal or interest of which is guaranteed by the United States.

Because of the provisions of federal law it seems very doubtful that the purchase of shares in a federal savings and loan association amounts to an investment, the payment of principal and interest of which is guaranteed by the United States within the contemplation of G.S. 159-49.1 and 49.2. (An investor in a savings and loan association becomes a shareholder in the association.) At any rate, it is suggested that your county commissioners seek the approval of the Local Government Commission before making any investment of the funds in question.

ESCHEATS

Application of 1957 amendment declaring certain unpaid wages escheats. G.S. 116-25 was amended by S.L. 1957, C. 1051, to declare all unpaid and unclaimed salaries, wages, and other compensation due any person from any person, firm, or corporation within the State employing more than 24 persons to be escheats, payable to the University of North Carolina immediately upon the expiration of two years from the end of the calendar year in which the compensation becomes due. Does G.S. 116-25, as amended, require the payment to the University of compensation due prior to two years after the ratification of the 1957 amendment?

To: K. S. Cate

(A.G.) No. The general rule is that statutes are to be construed as having only prospective effect, unless a contrary intention is expressly declared or necessarily implied. *Hospital v. Guilford County*, 221 N.C. 308. Therefore it is my opinion that under G.S. 116-25, a corporation in this State would not become responsible for the payment of unclaimed compensation to the University until two years after June 5, 1957, the date of ratification of the amendment.

MOTOR VEHICLES

Driver's license—criminal liability of father for allowing 15-year old son to operate motor vehicle on Virginia license. Father permitted his 15-year-old son to operate a motor vehicle in North Carolina on a driver's license issued to Son in Virginia, where he attends school. Is Father subject to indictment for his act?

To: J. Hoyte Stultz.

(A.G.) Yes. G.S. 20-7(a) requires a license issued by the Department of Motor Vehicles as a condition of the operation of a motor vehicle on the North Carolina highways. G.S. 20-8(c) exempts from this requirement "a nonresident who is at least sixteen (16) years of age and who has in his immediate possession a valid operator's license issued to him in his home state or country" G.S. 20-7(k) makes the operation of a motor vehicle without a license a misdemeanor. G.S. 20-34 forbids anyone authorizing a motor vehicle owned by him or under his control to be driven by any person who has no right to do so, or in violation of the Uniform Driver's License Act.

It is my opinion that Son could not legally operate a motor vehicle in this State, and that consequently Father in knowingly permitting Son to operate an automobile presumably owned or controlled by Father, violated G.S. 20-34. Furthermore, Father is at least guilty of aiding and abetting Son in the violation of G.S. 20-7(a), and as a participant in a misdemeanor is punishable as a principal. G.S. 20-7(k).

Title registration—transfer of title when owner has died. Uncle, prior to his death, gave his house trailer to Nephew, but the certificate of title was never transferred. Nephew's application for registration of the house trailer in his own name is supported by Nephew's affidavit as to the gift transaction, by the affidavits of three disinterested persons that Uncle had told them he had given the trailer to Nephew, and by the certificate of the clerk of the superior court, that the trailer was not included in the inventory of the Uncle's estate. Are the affidavits and certificate sufficient basis for the registration of the house trailer in the name of Nephew?

To: Edward Scheidt.

(A.G.) Yes. Under G.S. 20-73, an applicant for registration who is unable to present a certificate of title may present affidavits or such other information as the Department of Motor Vehicles may require regarding the transfer of ownership of the vehicle. When the Department is satisfied that the applicant is entitled to registration it may issue a new registration card, certificate of title, and license plates to the applicant. In this case, while some ques-

tion might be raised regarding the competency of the affidavit of the applicant (Nephew), if there were action in court involving this matter, certainly the other affidavits would be sufficient to justify departmental action under G.S. 20-76. The Department would not now be authorized to reinstate the original certificate of title issued to the deceased.

OCCUPATIONAL LICENSING

Plumbing contractors—who may install gas-fired water heaters. May a gas company which sells a gas-fired water heater, using its own employees and without having a plumbing contractor's license, not only make the necessary gas connections in installing the heater but also do the necessary plumbing and make the necessary plumbing connections so long as no more than ten feet of water pipe is involved?

To: Baxter H. Finch

(A.G.) No. The definitions in G.S. 87-21 include the plumbing aspects of installing a gas-fired water heater among the activities constituting the business of plumbing or heating contracting. G.S. 87-25 forbids any person, firm, or corporation to engage in the business of plumbing or heating contracting without being licensed by the State Board of Examiners of Plumbing and Heating Contractors. There is no statutory exception with respect to situations where less than ten feet or any other specific amount of water pipe may be involved. It is the view of the State Board of Examiners of Plumbing and Heating Contractors that the water pipe to make water connections with a gas-fired water heater could only be installed by a licensed plumbing contractor.

PERSONNEL

Workmen's Compensation Act — liability of counties—status of employees of ABC board—status of appointed officers. Does the workmen's compensation act cover (1) employees of a county or municipal ABC board, (2) an appointed county tax supervisor, or (3) an appointed county auditor?

To: Herbert H. Taylor, Jr.

(A.G.) G.S. 97-7 provides that neither the State, nor any municipal corporation within the State, nor any political subdivision thereof, nor any employee of the State or of any such corporation or subdivision, shall have the right to reject the

provisions of the Workmen's Compensation Act.

(1) Although the employees of a county or municipal board of alcoholic control are not employed by the board of county commissioners, it is the view of this office that they are county employees within the contemplation of G.S. 97-2 and are covered by the Workmen's Compensation Act. However, since the finances of the ABC board are handled separately from those of the county commissioners, it would seem only just for the ABC board to pay the insurance premium on its own employees.

(2) G.S. 97-2(b) excludes officers of a county who are elected by the people or who are elected by the governing body of the county and who act in purely administrative capacities and serve for a definite term of office. Where the county tax supervisor is appointed by the board of county commissioners for a fixed term of two years, under G.S. 105-283 and 284, he is unquestionably excluded from coverage by the Workmen's Compensation Act.

(3) The county auditor would also be excluded from coverage if appointed for a definite term.

I suggest to the board of county commissioners that if the county's contract with its insurance carrier is to cover either the county auditor or the county tax supervisor, there should be a definite contractual provision that the carrier will not deny liability in case of an injury to or the death of either of these officials arising out of and in the course of his employment.

PROPERTY TAXES

Listing of consigned goods. Is the consignor or consignee responsible for listing consigned goods for local taxation?

To: I. R. Williams

(A.G.) In a true case of consignment the goods remain the property of the consignor until sold; the consignee is not the owner. That being true, it is the consignee's duty, as a matter of information, to report the inventory of consigned goods on hand to the county tax supervisor; but it is the consignor's duty to list for taxation all consigned goods on hand in the county as of January 1. Should the consignor fail to make such a listing it becomes the tax supervisor's duty to list the inventory and to as-

sess it, first giving notice to the consignor by mail so that he may be heard before the board of equalization and review if he sees fit to appear. If there is a dispute as to the true ownership of the goods presumed to be held on consignment, the person in possession is to be regarded as the owner unless the tax authorities are convinced that some other person is the true owner. See G.S. 105-304(6).

PUBLIC SCHOOLS

Authority of municipality to supplement salary of band instructor. Can the Town of Nashville lawfully contribute \$300 to the Nashville High School Band to supplement the compensation of the band instructor?

To: L. L. Davenport

(A.G.) No. The charter of the Town of Nashville contains no provision authorizing the Town to contribute toward the maintenance of public schools. The Constitution and statutes place the responsibility for the maintenance of the public schools upon the State, the counties, and the school districts. There is no statewide statute placing such responsibility upon the municipalities of the State. The county and city administrative school units are separate and distinct governmental units from the municipalities of the State. A board of county commissioners may, under certain circumstances, authorize additional or supplemental items of expenditure not in the current expense fund, and must make a sufficient tax levy to provide the required funds. G.S. 115-80(1). In the absence of express statutory authorization, the Town of Nashville has no authority to use municipal funds derived either from taxation or from nontax sources to supplement the salary of the band instructor in Nashville High School.

ROCKETS

Controlled rockets—permission to fire. Does the Board of County Commissioners have authority to refuse permission, sought by a group of high school students, to fire a controlled rocket within the county?

To: John W. Hardy.

(A.G.) Yes. The described rocket would be considered pyrotechnics within the meaning of G.S. 14-414, and therefore could not be lawfully fired without the approval of the Board of County Commissioners. G.S. 14-413.

Local Government Purchasing School Held At Institute of Government

Sixty purchasing officials from North Carolina, South Carolina and Virginia attended the Second Annual Local Government Purchasing School held at the Institute of Government March 7-8.

The School opened March 7 with a luncheon given through the courtesy of the Carolinas' Chapter of the NIGP and at which Aaron C. Shepherd, chapter president, presided. Albert Coates, director of the Institute of Government, extended a welcome to those attending and reviewed briefly some of the work of the Institute. Guest speaker for the luncheon was W. R. Henderson, state purchasing officer for North Carolina. Henderson drew parallels between the work of the State Division of Purchase and Contract, which he heads, and the purchasing responsibilities of local officials. He suggested that study of the performance records of materials and equipment procured could well point to practices which would save money and that this part of the purchasing official's job was just as important as securing more competition and lower prices. He also stressed the need for the purchasing official to be aware of his responsibilities for good public relations with the business firms from whom purchases are made; with the departments for whom the official buys; and with the general public whom he serves.

Discussions on the first day of the School centered around civil defense aid for local governments, the relationships between the purchasing official and others within his government, and the techniques of better buying. Speakers and panelists for these discussions were James W. Denning, communications officer for the North Carolina Council of Civil Defense; C. L. Lineback, city manager of Salisbury; J. McDonald Wray, city manager of Beaufort, S. C.; L. C. LeGwin, purchasing agent for Wilmington; H. E. Dickerson, city manager of Statesville; W. T. Cox, public works director of Gastonia; Bruce Boyette, purchasing agent for Wilson; Curtis Baker, purchasing agent for Tarboro; and Robert H. Peck, city manager of Washington.

Panels on March 8 considered the sales interview and how to make it more effective, the control of em-

ergency purchases and petty cash funds, and laws regulating purchasing by local governments in North and South Carolina.

Participating in the discussion on the sales interview were A. C. Shepherd, purchasing agent for Winston-Salem; J. D. Mackintosh, Jr., city manager of Burlington; and Bruce Turney, city manager of Graham. J. Guy Smith, city manager of Laurinburg and Herbert Winston, Jr., director of general services for Greensboro, were in charge of the discussion of emergency purchases.

The purchasing laws discussion covered both a review of the chief statutory provisions regulating purchasing in North and South Carolina and a consideration of four proposed changes in the laws regulating purchasing by local governments in North Carolina. These changes had been recommended by a special committee of the Carolinas' Chapter of NIGP which had been studying local purchasing laws for several months. Aaron C. Shepherd, chapter president, led the discussion on the proposed changes. The four proposed changes, which the 1959 General Assembly will be asked to enact, are as follows:

- A. To amend the informal bid statute (G.S. 143-131) to provide that informal contracts shall be awarded to the lowest responsible bidder, taking into consideration quality, performance, and delivery time. This standard for making awards allows more discretion than the present one which requires simply that the award be made to the "lowest responsible bidder."
- B. To amend the purchasing statutes (Article 8 of G.S. 143) to allow any local government to make purchases from any other governmental unit in the United States without following the present requirements for securing competitive bids. Purchases on this basis are now possible when buying from the Federal Government but not from other governmental units. The change would make it easier to buy surplus property from other governmental units.
- C. To allow cities and towns to sell surplus personal property after seven days' notice rather than after 30 days as required now (G.S. 160-59). A second proposed change in



W. R. Henderson, State Purchasing Officer.

the same statute would allow cities and towns to dispose of surplus property at private sale to other governmental units. This change together with the proposed change in purchasing just discussed above, would permit local governments to buy from one another on a negotiated basis.

- D. To permit local governments to waive the regular competitive bidding requirements when making any purchase from a State contractor at the State contract price. For some

time local governments in North Carolina have wanted the privilege of buying under State contracts. This change would make it easy for local governments and State contractors to do business if both so desired. It would not obligate State contractors or local governments. Should a contractor and a local government want to do business, they could deal directly with one another at the State price without advertising for bids, posting performance

bonds, or meeting the other regular requirements of the competitive bidding statutes.

Other organizations of local officials will be asked to endorse the proposed changes prior to the meeting of the 1959 General Assembly.

Joining with Shepherd in the discussion of the purchasing laws and the proposed changes were John W. Sholenberger, assistant city attorney of Columbia, South Carolina; and Alex McMahan and Jake Wicker, assistant directors of the Institute of Government.

Public Personnel

(Continued from page 10)

Approximately one-half of a percent of the class hours were in schools arranged by private industrial firms such as the electronic school of the Automatic Signal Company of Norwalk, Connecticut, and the Law Enforcement Photographer's School of Eastman Kodak of Rochester, New York.

STAFF LUNCHEONS STARTED

As offices and departments increase in size and specialization, it becomes increasingly more difficult for staff members to know employees who work on other assignments within the same agency. Persons who have worked in both small and large organizations know of the advantages, both personal and professional, of knowing the persons with whom you work. A special effort must be made if employees in larger offices are to have the same feeling of participation, the same feeling of identification with the employing department, which is so essential to high employee morale. Employee meetings and conferences of professional staff, if used properly, can inform employees of agency problems and indicate individual employee interests and responsibilities. Many department heads find the pressure of deadlines and the burden of the work load so great that such meetings are held infrequently or dispensed with entirely.

In order to stimulate the professional growth of staff members and to provide better communications within the agency, the professional staff of the N. C. State Personnel Department since last fall have met together for lunch every other Thursday. Responsibility for a twenty-minute program rotates among the members of

the staff. Topics reported on or discussed at the luncheons include the following: employee newspapers, major phases of a personnel program, brainstorming, planning a TV program on the work of the Personnel Department, referral and recruitment, testing, what more can we do for state employees, and letter writing.

Training Courses Held

Two training courses have recently been held in Raleigh for state employees. The first was a Correspondence Management Workshop sponsored by the Department of Archives and History, and the second was a Data Processing Systems Seminar sponsored by the Department of Administration.

Twenty-seven state officials, representing twenty-three state agencies, completed the one-week course in correspondence management. How to get away from government "gobbledygook" was the theme of the first three days' work. The last two days were taken up with a study of form and guide letters as a means of reducing individually typed letters. It was estimated that the State of North Carolina might save more than a half-million dollars per year if more efficient methods of paperwork were put into effect.

The correspondence workshop was the first ever held by the National Archives and Record Service for officials of a state.

Approximately forty state officials attended the data processing seminar held in Raleigh, March 10-14. Representatives of the International Business Machines Corporation served as instructors. Punch card equipment and electronic computers were described and explained during the first two days. The third and fourth days were devoted to the use of both punch

card and electronic equipment in preparing payrolls, budgetary accounting, professional licensing, and disbursement operations. The final day of the seminar was given to a review and summary of the course and to a detailed discussion of how data processing equipment might be used by specific state departments.

WINSTON - SALEM - BOOKLET PUBLISHED

The City of Winston-Salem and the Winston-Salem school system have issued an attractively printed booklet entitled, "A Look At Your City Government." The 12-page, carefully written booklet was prepared for the use of students and citizens. It presents an accurate review of the functions and organization of Winston-Salem government.

In addition to an organization chart, an introduction, and a summary, the booklet is divided into six sections. The first section describes the qualifications for voting, the elected officials, and their term of office. Section two explains the duties of and procedures followed by the Mayor and the Board of Aldermen. Section three describes the position of the City Manager.

Section four lists the four staff agencies, and the seven line departments and indicates their organization and responsibilities. Section five enumerates the officers appointed by the aldermen. The concluding section lists the six boards and commissions appointed by the aldermen and indicates whether their duties are advisory, quasi-legislative, or quasi-administrative.

The simplicity and organization of the Winston-Salem booklet are excellent. Officials preparing booklets for the children and citizens of their own cities may desire to study this booklet before preparing their own.

THE CLEARINGHOUSE

N.C. Building Inspectors' Third Annual Meeting

The third annual meeting of the North Carolina Building Inspectors' Association is scheduled for April 14-15 at Asheville's George Vanderbilt Hotel. Several committee reports will be given at this meeting, and action is expected on the committee reports on outdoor display structures and on unfit housing.

Several speakers on technical problems confronting building inspectors in this state will be included in the program. Howard K. Menhinick, Regents professor of city planning, Georgia Institute of Technology, Atlanta, Ga.; John G. Shope, consulting engineer of the National Lumber Manufacturers Association, Washington, D. C.; and Rex Faulkner, engineer with South-Eastern Gas Association, Atlanta, Ga., will be among the out-of-state speakers.

H. G. Odell, Jr., FAIA, architect, chairman of the North Carolina Building Code Council, will speak on the Building Code Council activities and how the council relates to the building inspectors. K. E. Church, engineer and deputy state fire marshal, will speak on the enforcement of the North Carolina State Building Code. Philip P. Green, Jr., assistant director of the Institute of Government, and Ronald Scott, city planner of Greensboro, will speak on the theory of zoning and zoning administration, respectively.

The Association is composed of building inspectors representing municipalities throughout this state. It is their responsibility to enforce the state and local laws regarding the erection and inspection of buildings. The North Carolina State Building Code, which is administered and enforced through the North Carolina Department of Insurance in cooperation with local building inspectors, covers all types of buildings except dwellings. At its last meeting the Building Inspectors' Association prepared and adopted a Uniform Building Code applying to dwellings.

Officers of the Association are president, James B. Bell, assistant chief building inspector, Charlotte; and secretary-treasurer, Kern E. Church, engineer and deputy fire marshal, North Carolina Department

of Insurance, Raleigh. The board of directors include Cedric Boyd, city building inspector, New Bern; Robert L. Byrum, city building inspector, Greensboro; H. D. Leary, city building inspector, Reidsville; and Raymond Wallace, city building inspector, Gastonia.

Tax Collection Record

Montgomery County's tax collector, A. P. Guyer, checked on property tax collections in his county as of December 31, 1957. Here is a

summary of what he found for a ten-year period:

Year's taxes	Percentage Collected
1947	99.03%
1948	98.80%
1949	98.98%
1950	98.99%
1951	98.74%
1952	98.64%
1953	98.92%
1954	98.53%
1955	96.63%
1956	93.99%

Mr. Guyer says he did not count a

BOND SALES

From September through February, the Local Government Commission sold bonds for the following governmental units. The unit, the amount of bonds, the purpose for which the bonds were issued, and the effective interest rate are indicated. Because there was a change in the bond market during the period, the month of sale is in parentheses following the name of the county.

Unit	Amount	Purpose	Rate
Cumberland County (Nov.)	1,500,000	School building	3.75
Davidson County (Sept.)	750,000	Courthouse	3.71
Davidson County (Jan.)	925,000	School building notes	2.35
Duplin County (Jan.)	92,000	Refunding	3.57
Guilford County (Feb.)	6,000,000	School building	2.70
Mecklenburg County (Oct.)	5,000,000	School building	3.37
Orange County (Feb.)	1,000,000	School buiding	2.95
Sampson County (Nov.)	500,000	School building	4.02
Scotland County (Sept.)	410,000	School building	3.61
Surry County (Jan.)	93,000	School refunding	3.00
Washington County (Dec.)	170,000	School building	4.01
Wilson County (Sept.)	2,000,000	School building	3.66
Yadkin County (Feb.)	435,000	School and County bldg.	2.98
Asheville (Nov.)	1,100,000	Airport	4.39
Ayden (Nov.)	275,000	Sewer	4.21
Charlotte (Jan.)	4,750,000	Water, Sewer, Street, etc.	2.77
Fayetteville (Oct.)	2,000,000	Sewer	3.48
Four Oaks (Nov.)	210,000	Water	4.52
Gibsonville (Oct.)	57,000	Sewer	3.84
Goldsboro (Feb.)	360,000	Water, and City Hall	2.89
High Point (Oct.)	2,000,000	Water and Sewer	3.43
Hope Mills (Feb.)	11,000	Water	4.23
Lewiston (Dec.)	10,000	Street Improvement	4.36
Maiden (Oct.)	60,000	Sewer	4.24
Marshall (Oct.)	130,000	Water and Recreation	4.32
Mount Airy (Oct.)	36,000	Street and Jail	3.19
Mount Holly (Feb.)	75,000	Water	3.73
Murphy (Dec.)	40,000	Electric revenue bonds	3.42
Newport (Sept.)	120,000	Water	4.79
Robersonville (Jan.)	25,000	Public Improvement	2.70
Rocky Mount (Oct.)	1,425,000	Water and Sewer	3.62
Wadesboro (Nov.)	330,000	Water and Sewer	3.53
Wilson (Feb.)	525,000	Sewer	2.84
Saw Mills Sanitary District (Jan.)	150,000	Water	4.14

real property tax as collected until the cash was in hand, and he did not treat insolvent items for which the collector had received credit as collections.

Other taxing units can use this record as a yardstick for measuring their own.

A-Z Notes

The Women's City Club of **New York** held an unusual course of six lecture-discussions on new concepts of zoning and their relation to city planning in New York. The New York City Planning Commission cooperated with the club in setting up the course and members of the commission staff were among the eight speakers. City planners, architects, engineers, lawyers and community leaders, interested in planning and zoning, were invited to attend the sessions, along with members of the Women's City Club.

National Municipal Review

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Grandville, Michigan (5,100), has mutual aid agreements with the three townships surrounding the city to provide fire protection service. Each of the four jurisdictions operates a base station with two-way radio so that each fire department can monitor the calls of the other departments. The radio equipment operates on a common frequency to request, dispatch, and control all equipment from the base station while in transit or at the scene of the fire. All of the fire fighters are volunteer personnel.

Public Management

* * *

Legislative experience is becoming less and less important for governors, according to Joseph A. Schlesinger of **Michigan State University**. Surveying political careers of all state governors from 1870 to 1950, he found that the proportion of governors who had state legislative experience dropped from 65 per cent in 1870 to about 41 per cent in recent years, and that it appears less important in the west than in the east. Over all, the legal profession is predominant among governors. Of the 995 men in all states elected governor in the past 80 years, 456 of them were practicing lawyers. In two states, however, Utah and Delaware, no lawyer was ever governor in the period covered by the study. Dr. Schlesinger's findings, *How They Became Governor*, are being published by Michigan State University's Bureau of Governmental Research.

National Municipal Review

City Manager Robert J. McNutt of **Harper Woods, Michigan**, has put communications to work for him. He uses a portable tape recorder in his automobile for dictating memoranda and other matters needing follow-up while he is in the car on city business. The city-owned car which he uses is equipped with two two-way radios, one on the police frequency and the other on the public works frequency. The city manager also prepares a weekly memorandum to the city council covering things happening in the city that he feels might be of interest to council members. The memorandum is distributed also to department heads and information clerks in the city hall to provide information for inquiries received.

Public Management

* * *

In a recent report by the **American Society of Planning Officials** on new subdivision design, it was pointed out that many of the areas opened up by the network of highways, being built with federal and state-aid, are suitable for residential development if the layout of the subdivision is right.

In its study, the Society found that although commercial interests frequently contend that lands bordering highways are unfit for residential use and should be zoned for business only, these commercial strips along highways are often uneconomical, distracting to motorists, and unsightly.

Ordinances that protect new subdivisions along major highways by requiring that they be separated from the highways are becoming more and more common, however.

Some cities require a buffer strip or park between the highway and the residences; others require deep lots bordering a major thoroughfare, with the houses facing away from the arterial. Still other cities prevent direct vehicular access to the highway by requiring a service-road connection.

The buffer strip and park protect residents from noise, fumes, and vibration of passing cars and trucks, according to the report. Prohibition of access to the highway keeps local traffic from moving directly into high-speed, through traffic.

League of Iowa Municipalities

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The Institute of Government regrets that the complete history of House Bill 48 (Session Laws 1957, Ch. 1357) was not reported in the Legislative Issue of **POPULAR GOVERNMENT** (September, 1957). On pages 63 and 64 of that issue it was stated that the section of the bill which provided that birth and death records in the offices of the Registers of Deeds should not be open to public inspection was amended to permit representatives of press, radio and television to have access to these records. The article failed to state that this entire section was stricken from the bill before it was finally ratified, with the result that birth and death records remain open to public inspection.

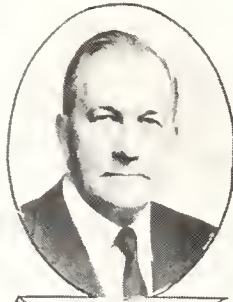
POPULAR GOVERNMENT regrets this inadvertent omission and wishes to thank Mr. C. C. Duke, Beaufort County Register of Deeds, for calling it to our attention.



Court Study Committee gets down to work.



E. B. Denny



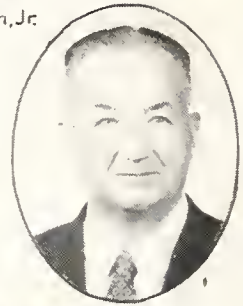
J. W. Winborne
CHIEF JUSTICE



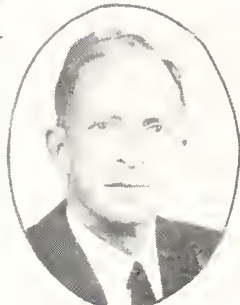
J. D. Johnson, Jr.



R. H. Parker



W. H. Bobbitt



J. W. Higgins

*Supreme Court
of
North Carolina*

Spring Term
1957



W. B. Rodman

Walter Studio



Maurice V. Barnhill

*Associate Justice 1937-1954
Chief Justice 1954-1956*



William A. Devin

*Associate Justice 1935-1951
Chief Justice 1951-1954*