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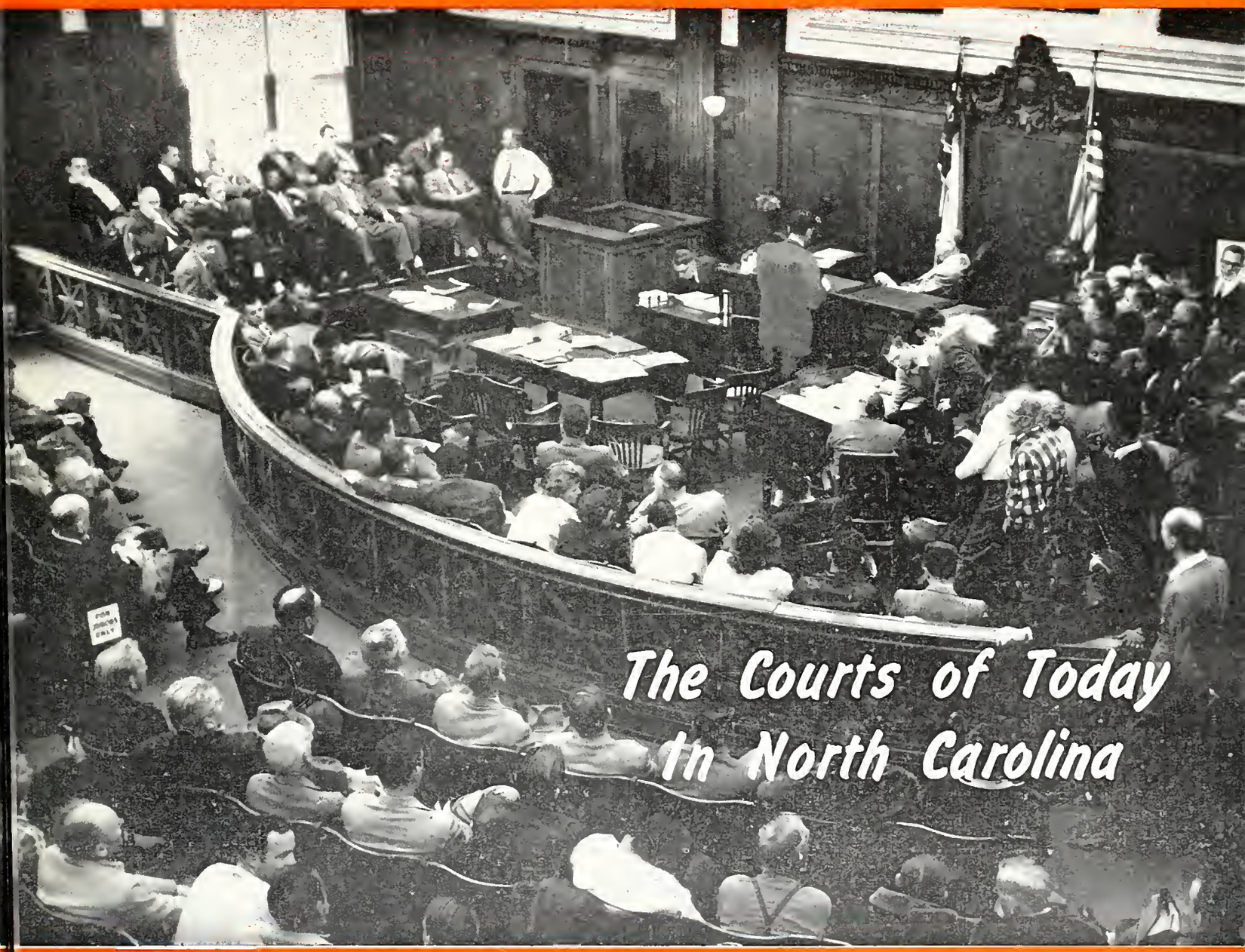

The Courts of Today in North Carolina

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CONTENTS

articles **page**

departments

COVER

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The Courts of Today In North Carolina

By Albert Coates, *Director of the Institute of Government*

With the assistanee 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.

The March, 1958 issue of POPULAR GOVERNMENT *pointed out that 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 in the late 1600's: the second look came with the Constitution of 1868; and 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.

Lower Courts

This Committee looks around and sees a lower court system consisting of (1) justice of the peace courts, (2) mayors' courts, (3) "special act" courts, (4) "general law" courts, (5) juvenile courts, (6) domestic relations courts, and (7) administrative courts —fourteen to fifteen hundred in all, established by different people, in different places, for different purposes, at different times—with interlocking, overlapping and conflicting relationships. This system, or lack of system, in the lower courts is better understood by looking at the ways in which they came into the picture.

Justice of the Peace Courts

Methods of selecting the justice of the peace have fluctuated through the years: from election by the voters in each township, to appointment by the General Assembly, to appointment by the Governor, to appointment by the resident Superior Court judge.

Their terms of office have fluctuated with the years— two years for those elected by the voters, and two, four or six years for those appointed by the General Assembly from 1895 to 1943, four years for those appointed by the Governor from 1917 to 1955, and two years for all justices of the peace selected by any method today.

The number authorized has fluctuated through the years. From two to each township to one for each township, another for each township with a city or town, and still another for every 1,000 people in a city or town to two, three for each township, another for each 1,000 people in a city or town within the township, and an unlimited number by legislative appointment by special acts.

The fees charged in criminal cases heard and disposed of by justices of the peace vary: from $1.75 in one court through 20 variations to $5.75 in another. *They vary among justices of the peace of the same county*: from $2.25 by one justice of the peace through eight variations to $4.00 by another. Fees charged by justices of the peace in preliminary hearings vary from no fee for this function by one justice of the peace through 13 variations to $5.25 by another.

Costs of courts in cases heard and disposed of by justices of the peace: from $4.50 by one justice of the peace to $15.00 by another.

Jurisdiction. In addition to his power to try smaller civil and criminal cases, every justice of the peace has power to perform marriage ceremonies, take acknowledgment or proof of the execution of written instruments—deeds, mortgages, deeds of trust, assignment, powers of attorney, contracts for the conveyance of land, leases, and any other instruments required to be registered—take the private examination of married women in their business transactions with their husbands, supervise the allotment of years' allowances to the widows and children of deceased persons, and to perform miscellaneous duties.

His jurisdiction in civil and criminal cases reached its high-water mark in the 1868 Constitution which gave him "exclusive" original jurisdiction over all civil actions, founded on contract, where the sum demanded did not exceed $200, and when the title to real estate was not in controversy—and in later years over tort cases involving not more than $50, and "exclusive" original jurisdiction of criminal actions where the punishment could not exceed a fine of fifty dollars or thirty days in jail. Ever since 1868 the measure of his jurisdiction has fluctuated with the value of the dollar. The 1875 amendments took away his "exclusive" criminal jurisdiction and left it in the discretion of the General Assembly. A decision of the Supreme Court in 1906 upheld a statute giving to a mayor or city court jurisdiction to the exclusion of the justice of the peace over offenses committed within city limits, *State v. Baskerville*, 141 N.C. 811, 53 S.E. 742 (1906). The successive establishment of city and county courts with concurrent power in civil and criminal cases since the turn of the century

has siphoned off the greater volume of his business without subtracting from his jurisdiction.

Mayors' Courts

A second system of lower courts came in with the mayors' courts.

The growth of mayors' courts was speeded by the 1868 Constitution giving the General Assembly power to establish "special courts for the trial of misdemeanors in cities and towns."

The 1871 General Assembly defined ordinance violations as misdemeanors and gave to the mayor of every city and town the criminal jurisdiction of a justice of the peace within the city limits. By 1917 special provisions for mayors' courts were made in the charters of 247 towns and cities; a hundred forty-four of these mayors' courts are reported in operation today.

Since 1868 the General Assembly has increased the subject-matter jurisdiction of many mayors' courts to include a multiplicity of specific misdemeanors beyond the jurisdiction of the justice of the peace—the number and type differing with every special act and charter provision—and in many towns and cities to go beyond the jurisdiction of the justice of the peace to include all crimes below the grade of felony. Twelve mayors' courts operating today are in this category.

By degrees the General Assembly has increased the territorial jurisdiction of some of these mayors' courts to a half mile beyond city limits, a mile, a mile and a half, two miles, two and a half miles, five miles, to the limits of the graded school district, and to all town property outside city limits.

These mayors' courts have cut down the volume of business of the justice of the peace in criminal cases to the vanishing point. And the Supreme Court has upheld legislative grants of jurisdiction in criminal cases to the complete exclusion of the justice of the peace within city limits —if not beyond. *State v. Baskerville*, 141 N.C. 811, 53 S.E. 742 (1906); *State v. Doster*, 157 N.C. 634, 73 S.E. 711 (1911).

By the 1890's the volume of business in many cities and towns was outgrowing the capacities of a mayor who made his living in private enterprise and served as chief executive of his city on the side, and the mayor's court evolved into the city court — separated from the mayor's office— with criminal jurisdiction, or civil jurisdiction, or both, in varying amounts and in varying territories.

By degrees the subject-matter jurisdiction of these city courts was increased along the same lines as the mayors' courts, and the territorial limits were increased in similar fashion. Counties followed this lead from 1907 to 1917—with county courts varying in subject-matter jurisdiction and in territorial jurisdiction. Then came the combination city-county court. All of these courts cut down the civil and criminal business of the justices of the peace—sometimes to the vanishing point—in the differing territories in which they operated.

"Special Act" Courts—From 1905 to 1917

In the years that followed, the General Assembly established a multiplicity of courts by "special acts" —a hundred or more by 1917.

Hundreds of special act amendments have been made to these special act courts, resulting in a confusing variety of differences in civil and criminal jurisdiction, practice and procedure, costs of courts, methods of selecting court personnel, lengths of term, methods of filling vacancies, causes for removal, amounts and methods of compensation, records, and the multiplicity of procedures involved in the administration of justice in the courts.

Complaints against this multiplying miscellany of courts found expression with the President of the North Carolina Bar Association in 1915: "If I could present a moving picture showing these various local courts and their varying session, their many modes of procedure, explaining the manner in which crimes are changed by crossing a township or county line, as the case may be, and the manner in which each local court bill was drafted to circumvent the plain letter of the Constitution, and above all how the city, town, township, and county have been substituted for the State in the administration of the criminal law, you would be ready to designate the entire system a crazy-quilt court system, a veritable judicial Pandora's Box, creating judicial and court chaos."

In response to widespread sentiment of this sort throughout the state a Constitutional amendment in 1917 provided: "The General Assembly shall not pass any local, private or special act or resolution: (1) relating to the establishment of courts inferior to the Superior Court; (2) relating to the appointment of Justices of the Peace; . . . (3) relating to pay of jurors; . . . .

"The General Assembly shall have power to pass general laws regulating the matters set out in this section."

"General Law" Courts—From 1917 to 1957

The 1919 General Assembly Plan for a Uniform System of Lower Courts. Mindful of the 1917 prohibition against "private, local and special acts," the 1919 General Assembly passed a law "to establish a uniform system of recorders' courts for municipalities and counties in the State" —(1) a Municipal Recorder's Court, (2) a County Recorder's Court, and (3) a Municipal-County Court.

When this general law was introduced, legislators sent pages scrambling to the Speaker's desk with amendments exempting forty - seven counties. Forty-seven percent of the bill was thus lost on the floor of the General Assembly; and before long the other fifty-three percent was challenged in the courts. A county recorder's court was established in Iredell County under the provisions of this act. It convicted a defendant for selling liquor, and he appealed from the conviction on the ground that a legislative enactment applying to fifty-three of one hundred counties was not a general law but a "private, local, and special act," violating the 1917 amendment. The Supreme Court felt that a little more than half a loaf was better than no bread and that fifty-three percent of the legislative purpose was worth saving; that as long as the law was on the books the forty-seven counties which had taken themselves out might bring themselves in, as the advantages of uniformity appeared; and that the one hundred percent goal desired in the beginning might be achieved in the end. *In Re Harris*, 183 N.C. 633, 112 S.E. 425 (1922).

The *Harris* case blighted any hope that the 1919 general law providing for a uniform system of lower courts would gradually absorb into a uniform pattern nearly a hundred special act courts which had been established under the sheltering wing of the Constitution from 1905 to 1917. And even the resurrection of the hope faded under the developing doctrine that any law applying to a specific class or type of counties, townships, cities and towns was a general law so long as there was sufficient substance in the classification to justify the court in holding that the distinction was not without a difference.

In the forty years from 1917 to 1957 fourteen types of general laws have been passed by the General As-

(Continued on page 5)

J. Spencer Bell (right), Chairman of the Committee on Improving and Expediting the Administration of Justice in North Carolina, confers with W. W. Taylor, Jr., President of the North Carolina Bar Association, Henry Brandis, Jr., Dean of the University of North Carolina School of Law, and John C. Rodman of the Washington, N. C. Bar.

P. K. GRAVELY
Chairman of the Subcommittee on the Jury System

"I hope and believe that the results of the study will furnish the people of the state a guidebook for the improvement in the administration of justice at all levels, both in the immediate future and for the years to come."—LUTHER HARTWELL HODGES, *Governor of North Carolina*

HOWARD HUBBARD
Chairman of the Subcommittee on Court Structure and Jurisdiction

Francis J. Heazel (left), Chairman of the Subcommittee on Court Administration, talks with Joel B. Adams (right), and John Archer.

The Committee gets down to work

WALLACE MURCHISON
Chairman of the Subcommittee on Practice and Procedure

J. MURREY ATKINS
Chairman of the Subcommittee on Public Relations

The Committee hears a research report

Thomas H. Leath (right), Chairman of the Subcommittee on Judges and Solicitors, discusses a point with William F. Womble.

T. N. Grice, Co-chairman of the Subcommittee on Court Structure and Jurisdiction, talks with Senator James Poyner, of Wake County.

sembly under this doctrine, establishing fourteen types of "uniform courts" in adjoining, dovetailing, or overlapping areas.

The 1919 general law was followed by a 1923 general law authorizing a General County Court.

The 1923 general law was followed by two 1925 general laws authorizing any county in the state to establish a County Court and a County Civil Court.

The 1925 general law was followed by a 1931 general law authorizing a District County Court.

Another 1931 general law authorized a "County Criminal Court."

The 1931 general laws were followed by another general law in 1937 authorizing a "County Civil Court."

The 1937 general law was followed by another general law in 1939 authorizing a Special County Court.

The 1939 general law was followed by another general law in 1955 authorizing another and different type of "County Civil Court."

The 1955 general law was followed by another general law in 1957 authorizing another and different type of county court.

"General Law" Amendments to "General Law" Courts—From 1917 to 1957

This multiplying process did not stop with the tailoring of general laws to fit specific types of local situations; it went on to permit a multiplicity of general law amendments to these multiplying types of general laws. To illustrate:

The 1919 "Municipal Recorder's Court" law has been amended 15 times; the 1919 County Recorder's Court act, 17 times; the 1923 "General County Court" law, 26 times; later general laws have been amended, but not as much.

"Special Act" Amendments to "General Law" and "Special Act" Courts—From 1917 to 1957

In 1926 the Supreme Court held that "there is nothing in . . . [the 1917 amendment] which prohibits the Legislature from increasing or decreasing the judisdiction of these inferior courts already in existence. The prohibition is against the *establishment* of courts inferior to the Superior Court, by any local, private or special act or resolution." *State v. Horne*, 191 N.C. 375, 131 S.E. 753. In 1933 it held (1) that the General Assembly may delegate to local authority the power to establish inferior courts provided for by general laws, and (2) that the constitutional requirement that the judges and clerks of the inferior courts be elected was not violated by legislation authorizing the boards of county commissioners, themselves, to "elect" inferior court judges. *Meador v. Thomas*, 205 N.C. 142, 170 S.E. 110. These decisions left the General Assembly free to make changes in any general law or special act court from session to session until it was completely "re-created" if not "re-established" — free to do by successive special acts in successive years what it could not do by one special act in one year. The result is a system of courts comprised of (1) the special act courts now in existence established from 1905 to 1917, (2) the general law courts now in existence established from 1917 to 1957, (3) the general amendments to the general law courts, and (4) the special act amendments to both special act and general law courts.

In the thirty year period after the 1917 prohibition, a multiplicity of private, local, or special acts were passed relating in one form or another to lower courts adding up to nearly a thousand.

Variations in "Special Act" and "General Law" Courts Today

Lower court procedures vary to the point that every court is almost, if not quite, a law unto itself—as they run the gamut of permutations and combinations in their multiplying differences: (1) in their differing jurisdictions—civil or criminal or both, (2) in their differing practices and procedures—from filing complaints and answers in civil actions to final judgment and execution, (3) in their differing practices and procedures in criminal cases from issuance of warrants, to bail or jail, to verdict and judgment and sentence, (4) in their differing methods of selection, tenure, removal, filling vacancies, and retirement of personnel, (5) in the differing records they are required by law to keep, the ways in which they keep them, and the uses or lack of uses made of them, and so on, almost ad infinitum.

Today there are two hundred and fifty-six courts in North Carolina with jurisdiction greater than that of a justice of the peace and less than that of the Superior Court. With minor variations, these courts fall into one of two broad classes: (1) courts established by special acts of the General Assembly from 1905 to 1917, and (2) courts established under general laws of the General Assembly from 1919 to 1957.

Seventy of these courts were established by special acts of the General Assembly. One hundred and eighty-six have been established under fourteen types of general laws enacted by the General Assembly since 1919.

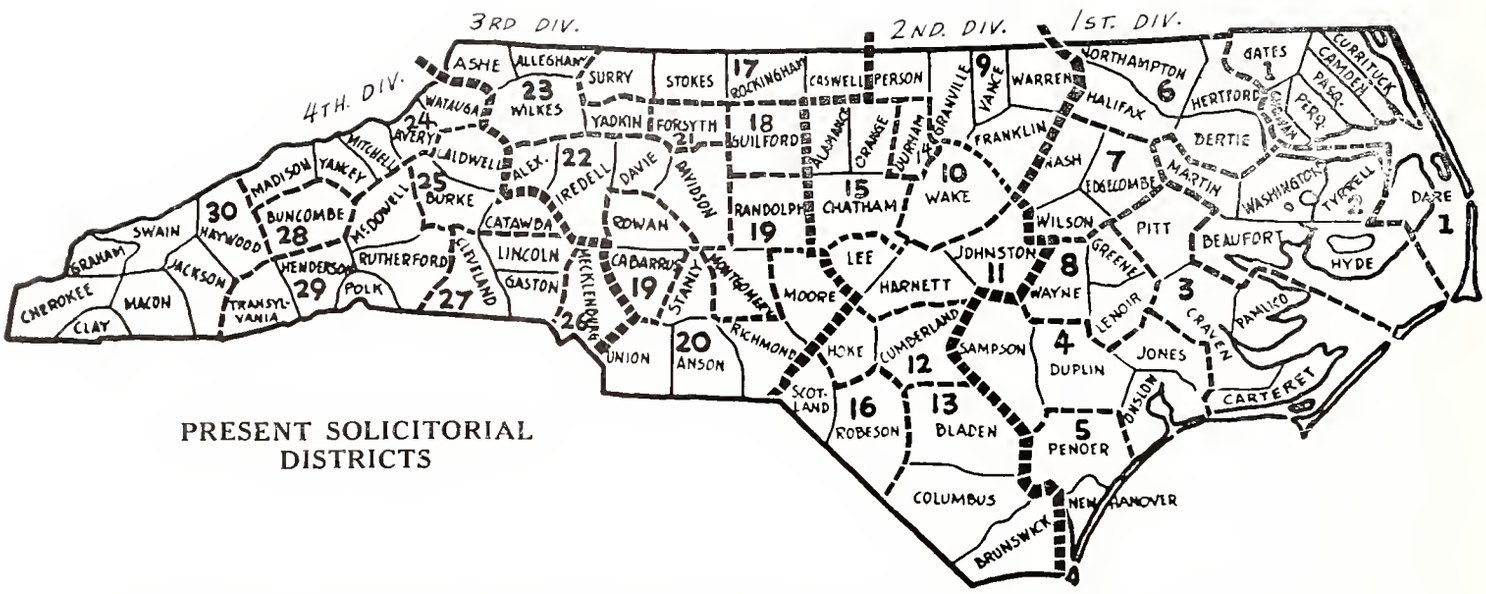
The criminal jurisdiction of these courts vary: those from misdemeanors within the jurisdiction of a Justice of the Peace, to all misdemeanors except those within the jurisdiction of a Justice of the Peace, to all misdemeanors—including those within the jurisdiction of a Justice of the Peace when the Justice of the Peace does not take action within six months, to all misdemeanors—with added powers in some courts to take submissions in now capital felonies and in others to try felonies where the punishment cannot exceed one year in the state prison if a jury trial is demanded.

Some of them start with the criminal jurisdiction of a Justice of the Peace and add specific misdemeanors beyond this jurisdiction. To illustrate: one adds violations of the driver license laws, and to these lists a third court adds petit larceny, forcible trespass, forcible entry and detainer, abandonment and nonsupport.

Some of them start with jurisdiction over all misdemeanors, and then, as if "all misdemeanors" did not cover all misdemeanors, single out particular misdemeanors for honorable mention in a multiplicity of differing permutations and combinations. These differing combinations range all the way from short listings, such as larceny and receiving property not over $20 in value, forcible trespass and false pretenses; to long listings, such as:

Carrying concealed weapons; gaming; keeping gambling houses; keeping bawdy houses; larceny or receiving stolen goods, knowing them to be stolen, wherein the value of the article or articles stolen does not exceed (a specified amount); failure to list taxes; assault and battery with a deadly weapon, or when serious damage is done; cruelty to animals; resisting officers; malicious injury to real or personal property; trespassing on lands after being forbidden; forcible trespass; enticing servants to leave masters; indecent exposure of person; retailing spirituous liquors with a license; selling or giving away spirituous liquor to a minor; selling or giving away cigarettes to a minor; obtaining advances by false pretenses; bastardy; disposing of mortgaged property; and all other crimes against the public health. . . .

In most if not all cases where the jurisdiction granted is the same, it is granted in a bewildering variety of differing phraseologies.



PRESENT SOLICITORIAL DISTRICTS

Territorial jurisdiction varies from the city limits to varying distances beyond the city limits, to include varying numbers of townships to the county line.

Many courts have criminal jurisdiction to the exclusion of all other courts. Forty have this jurisdiction within the city limits over offenses within the jurisdiction of a justice of the peace; thirty-two special act courts have exclusive jurisdiction over town ordinance violations; and thirty-five have exclusive jurisdiction over crimes above the jurisdiction of a justice of the peace and below the jurisdiction of the Superior Court. Nine general law courts have exclusive jurisdiction within the city limits to hold preliminary hearings in felony cases. The exclusive jurisdiction of one court is limited to a period of sixty days following the commission of the crime, of another to thirty days, of four others to six months, and of one to twelve months—after which time in each instance the Superior Court assumes concurrent jurisdiction.

The civil jurisdiction of these courts varies from cases involving $200 in contract and $50 in tort, to $5,000 in contract and tort, to unlimited amounts in contract and tort.

These courts have other varying civil jurisdiction in miscellaneous cases. Eleven courts have divorce and alimony jurisdiction; five have jurisdiction to "try title to lands and to prevent trespass thereon and to restrain waste thereof . . .;" five have jurisdiction to issue injunctions and restraining orders in actions pending in the Superior Court; five have jurisdiction to appoint receivers; one is specifically empowered to revoke licenses of professional bondsmen; three are specifically granted jurisdiction over claim and delivery proceedings, two being limited to $1,000 limits and one to $1,500 limits; one has jurisdiction over uncontested mortgage foreclosures; and thirty-six have jurisdiction over penalties and forfeitures.

Methods of selecting judges, solicitors and clerks vary and some are selected by the voters, others by county commissioners or city councils or both, others by the Governor, or the resident judge of the Superior Court, or by a commission composed of the Chief Justice and two Associate Justices of the Supreme Court.

Terms of office vary for judges, solicitors and clerks: from one year to two years, three years, four years, or "the pleasure" of the appointing power.

One judge serves a one-year term; ninety-eight serve two-year terms; thirty-three serve four-year terms; three serve four-year terms, if elected, but "at pleasure" if appointed; twelve who are also mayors, serve terms coterminous with that as mayor; and three serve terms not stipulated.

This variation continues in the methods and amount of compensation, provision for removal from office, methods of filling vacancies, provisions regulating the private practice of law by judges and solicitors, record keeping requirements, provision for jury trial in criminal cases, provision for jury trial in civil cases, number of jurors, number of persons comprising the jury panel, the boxes from which the jurors names are drawn, the requirements for and amounts of jury deposits or taxes, the times when terms of courts are held, provisions for the issuance of process, provision for service of process, territorial limitations on the running of process, methods of pleading in civil actions, provisions for the time of filing complaints in civil actions, provisions for the time of filing answers in civil actions, provisions relating to the date for the trial of civil actions following the service of complaint and answer, methods of practice and procedure in civil cases, methods of practice and procedure in criminal cases, and the method of hearing appeals.

The costs of court vary in criminal cases from $7.30 in one court to $25.80 in another; and in civil cases from $4.50 in one court to $12.00 in another.

Variations in special act and general law courts confuse the criminal and civil jurisdiction of Superior Courts to the point that Superior Court judges rotating through the state rarely know the situation they will face in going from one county to another.

To illustrate in criminal cases:

In fourteen counties they find no lower courts other than justices of the peace, and exercise their 1868 jurisdiction over all crimes where the punishment may exceed a $50.00 fine or thirty days in jail. At the other extreme, in twenty-two counties they find that the General Assembly has given exclusive jurisdiction of misdemeanors to one or more lower courts in each county to the exclusion of the Superior Court except by way of appeal.

Between these extremes they find that the General Assembly has cut down on Superior Court jurisdiction in varying degrees either by giving jurisdiction over all misdemeanors (to the exclusion of the Superior Court) to particular courts through-

out the county or to particular courts covering particular areas within the county, *e.g.*, either to one or more mayors' courts within city limits or to city courts within and beyond city limits for varying distances, or to township courts, or to county courts covering particular areas in the county not already covered by one or more of the foregoing mayor, city, or township courts; sometimes this jurisdiction is granted to the exclusion of the Superior Court, sometimes to the exclusion of the Superior Court within city limits and concurrently beyond the city limits; and always the Superior Court is left with its 1868 jurisdiction in any areas not covered by lower courts with jurisdiction beyond the Justice of the Peace.

To illustrate in civil cases:

In thirty-three counties the Superior Courts continue to exercise their 1868 civil jurisdiction—with no other lower courts with civil jurisdiction of any sort or size within these counties. In one county, at the other extreme, the General Assembly has cut down on the civil jurisdiction by giving a lower court jurisdiction, civil jurisdiction of the Superior Court to the exclusion of the Superior Court, of all civil actions brought within the county and involving not more than $500.

In other counties of the state, between these extremes, the General Assembly has cut down on the civil jurisdiction of the Superior Court in differing degrees in different counties by giving concurrent civil jurisdiction with the Superior Courts to one or more lower courts within town or township limits, or within and beyond these limits for varying distances to the county line; this concurrent jurisdiction varies in maximum amounts in contract cases from $500 to an unlimited amount, and in types of actions from contract to tort, and in varying combinations of types and amounts.

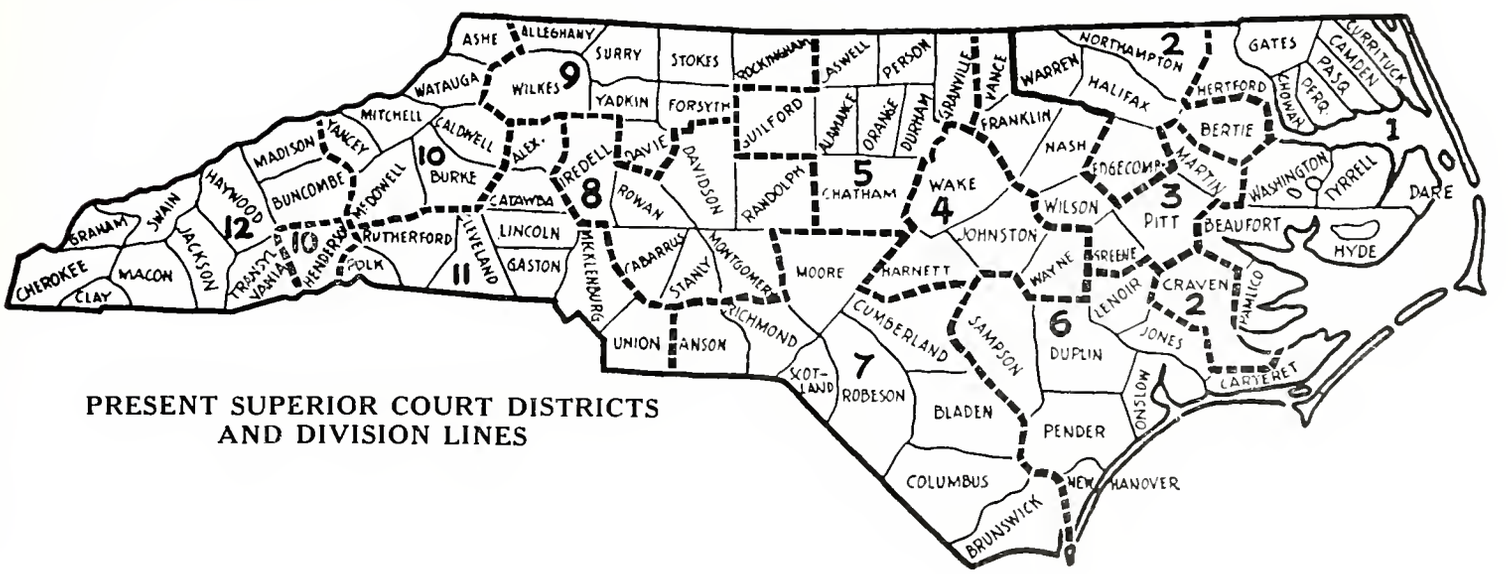
Variations in special act and general law courts confuse the criminal and civil jurisdiction of the Justice of the Peace. To illustrate:

In many counties they exercise their 1868 jurisdiction over all misdemeanors where the punishment cannot exceed a $50 fine or thirty days in jail. In many counties at the other extreme, the General Assembly has cut down on this 1868 jurisdiction in the following ways: by giving city courts jurisdiction over the foregoing misdemeanors to the exclusion of the justice of the peace within particular city limits; by giving concurrent jurisdiction in other cities and towns, townships, and counties to one or more mayors' courts or to one or more of the lower courts created by special act before 1917, or to one or more of the lower courts created under general laws since 1917, or to all of them together; by giving this concurrent jurisdiction in some places within city limits only, and in others for varying distances in miles and fractions of miles beyond city limits to county lines. Thus the jurisdiction of the Justice of the Peace has been left a thing of shreds and patches.

In similar fashion the General Assembly has cut down on the civil jurisdiction of the Justice of the Peace in differing degrees in differing counties. In thirty-four counties they exercise their 1868 civil jurisdiction supplemented by their $50 tort jurisdiction—with no other lower courts sharing civil jurisdiction. In other counties the General Assembly has cut down on this civil jurisdiction by giving concurrent jurisdiction with justices of the peace to one or more lower courts within city limits, or township limits or county limits—maybe not without reason, but certainly without rhyme.

Effect of These Variations on Appeals from the Justice of the Peace to the Superior Courts

In many cases the General Assembly has assumed that appeals from a Justice of the Peace or a mayor's court may be routed through intermediate courts. Procedures vary from county to county. In forty-three counties, all appeals go directly to the Superior Court. In seven counties, appeals from the justices in one city go to the city court and all other appeals go directly to the Superior Court. In another county, appeals from the justice in two towns go to the municipal courts in those two towns and the other appeals go directly to the Superior Court. In another county, appeals from justices in four towns go to the municipal courts in those towns and all other appeals go to the Superior Court. In another county, appeals from justices in four townships go to the township court and the remainder go directly to the Superior Court. In another county, appeals from all justices go to one of six township courts—covering the entire county. In thirty-six counties, all appeals from justices go to the county recorder's court. In six counties, appeals from the justices in one town go to the municipal court in that town and the remainder go to the county recorder's court. In another county, all civil appeals go to the civil county court and criminal appeals go to the Superior Court. In another county, appeals from the justices in three towns go to the municipal courts in those towns and the remainder go to the Superior Court. And in another county, ap-



PRESENT SUPERIOR COURT DISTRICTS AND DIVISION LINES

peals from the justices in five towns go to the municipal courts in those towns and the remainder go to the Superior Court.

In *State v. Baldwin*, 205 N.C. 174 (1933), the Supreme Court held that statutes requiring appeals from a Justice of the Peace to go to a county recorder's court were intended to relieve congestion in the Superior Court and should take precedence over a more general statutory provision permitting appeal from a justice of the peace to the Superior Court. In the following year in *McNeeley v. Anderson*, 206 N.C. 481 (1934), the Court considered the question in the light of the constitutional provision and strongly intimated that the appellant from a Justice of the Peace court may properly require that his appeal go directly to the Superior Court, even though it might go to a lower court with his consent.

All appeals from ninety-three courts are tried *de novo*. In thirty-seven courts, criminal appeals are tried *de novo* and civil appeals are tried only on questions of law. In ten courts having criminal jurisdiction only, appeals are tried *de novo*. In one court, with civil jurisdiction only, appeals are heard only on questions of law. In one court, criminal appeals are tried *de novo* and no method for hearing civil appeals is specifically prescribed. Eight courts have no specific provisions giving the method for hearing appeals.

Juvenile and Domestic Relations Courts.

In 1919 the General Assembly by general law established a new type of court—the Juvenile Court—not included in the special act and general law courts with their common law traditions and techniques. The jurisdiction of these courts is based on the age of the offender, rather than on the type of offense, and goes far beyond the notion of a "criminal act" as the basis of jurisdiction, to include any juvenile who is "neglected, dependent or delinquent or in danger of becoming so."

The summons replaces the warrant. The hearing in the informal proceedings replaces the arraignment, indictment, trial, and technical rules of evidence. The detention room replaces the jail. The adjudication replaces the correction and the sentence. The training school, boarding home and foster care replace penal institutions.

The juvenile court has jurisdiction over dependent and neglected children and takes from all trial courts all offenses—both felonies and misdemeanors—of children under 14 and all misdemeanors and felonies where the punishment cannot exceed ten years in prison committed by children from 14 to 16, unless the juvenile court judge waives jurisdiction to the Superior Court. All appeals go to the Superior Court.

There are 106 juvenile and domestic relations courts existing in North Carolina today for the trial of boys and girls under sixteen years of age, ninety-two county juvenile courts, two joint city-county juvenile courts, six city juvenile courts, three county domestic relations courts and three city-county domestic relations courts.

Administrative Courts

A new type of agency appeared in the state in the 1890's to handle problems beyond the personnel, machinery and equipment of the courts—problems involving judicial decisions in the context of administrative procedures and investigative techniques.

Under its power to establish "Courts inferior to the Supreme Court," since the 1890's the General Assembly has established many administrative agencies with judicial powers "with the right of appeal to the Superior Courts as in all other lower courts." To illustrate: it has established the Utilities Commission with "general power and control over the utilities and public service corporations; the Industrial Commission, with power to hear and determine disputes as to employers' liability for compensation to employees under the Workman's Compensation Act: the Employment Security Commission with power to determine what, if any, benefits a person who is discharged from employment is entitled to receive; the Motor Vehicles Department with power to revoke, suspend or restore driver licenses; the Tax Review Board with power to review decisions of the Commissioner of Revenue on a taxpayer's tax liability when the taxpayer elects to contest the decision without paying the tax; the State Board of Assessment, the State Board of Alcoholic Control, the State Banking Commission, the Building Code Council, the State Board of Elections, the State Board of Paroles, the Eugenics Board, the Stream Sanitation Committee, and nearly a hundred others.

Most of these administrative courts are given the power to make their own rules, in their judicial as well as their administrative proceedings. To illustrate: The Utilities Commission has the power "to formulate and promulgate rules of practice." The Industrial Commission is authorized to "make rules. . .for carrying out the provisions of" the Workmen's Compensation Act. The Council of the North Carolina State Bar has the power "to formulate and adopt rules of professional ethics and conduct" and "rules of procedure governing the trial of any such person [accused of unethical conduct] which shall conform as near as may be to the procedure now provided by law for hearings before referees in compulsory references." The Board of Medical Examiners has the power "to prescribe such regulations as it may deem proper, governing applicants for license." The Board of Pharmacy has "the power and authority. . .to adopt such rules, regulations, and bylaws, not inconsistent with this article, as may be necessary for the regulation of its proceedings and for the discharge of its duties imposed under this article. . ."

The General Assembly has provided for appeals from many of these administrative courts on questions of law only. To illustrate: The function of the Superior Court in reviewing a decision of the Utilities Commission is only to "decide all relevant questions of law, interpret constitutional and statutory provisions, and determine the meaning and applicability of the terms of any Commission action." An award of the Industrial Commission is "conclusive and binding as to all questions of fact," appeals lying from that agency to the Superior Court "for errors of law, under the same terms and conditions as govern appeals in ordinary civil actions." A decision of the Board of Medical Examiners is reviewed by a Superior Court "judge without a jury, upon the record" and must be upheld "unless the substantial rights of the applicant have been prejudiced because the decision of the Board is in violation of law or is not supported by any [admissible] evidence . . .or is arbitrary or capricious."

A different approach to judicial review of decisions of administrative tribunals is shown by the statutory provisions requiring that appeals from the Board of Law Examiners "shall be had in accordance with rules or procedures as may be approved by the Supreme Court as may be submitted . . .[by the Council of the North Carolina State Bar]. . .or as may be promulgated by the Supreme Court."

THE CITIES' #1 HEADACHE

Motor vehicles increasing by 2,000,000 per year

More Americans driving more cars

NEW DIRECTIONS IN STATE HIGHWAY PLANNING

By Robert E. Stipe

Assistant Director
Institute of Government

PHOTOGRAPHS BY W. C. FRUE, JR.

Said the officer: "I've seen this light go through three cycles. Not a car moved."

Introduction

North Carolina roadbuilders—the State Highway Commission and the state's 400-odd cities and towns—are now squarely confronted with the question of whether and how they can successfully do battle with what is rapidly shaping up to be the most colossal traffic jam of all times. Any driver who has ever been caught in the five o'clock peak in Durham, Asheville, Burlington, or any other city in the state knows without benefit of elaborate statistical proof that North Carolina cities, no less than hundreds of others throughout the country, are in imminent danger of being strangled to death by traffic congestion.

Whether the jam in North Carolina will ever reach the proportions reported in New York City several years ago, where the average vehicle speed on Manhattan streets was said to be only 4 miles per hour, is doubtful. But all indications are that traffic delays and congestion will become an even greater municipal headache than they now are unless the pace of planning and building new street improvements is speeded up considerably.

Recognizing the need, and in answer to public demands for new and vastly improved street and highway facilities, Congress has authorized construction of a national system of interstate and defense highways, the ultimate cost of which—together with pre-existing federal aid programs for primary state highways and farm-to-market roads—will ultimately total $100 billion or more. States and municipalities are yearly appropriating larger and larger sums for street construction and main-

tenance. And still it is doubtful that money alone will relieve the spreading traffic paralysis. To the contrary, there is a body of informed opinion to the effect that these gigantic expenditures, made possible in large part by the federal highway expansion program, rather than a blessing, might in reality be a monster in disguise.

The North Carolina State Highway Commission and its Director, W. F. Babcock, formerly a traffic consultant to more than 30 cities in the state, have been giving intensive study to the plight of our urban areas, and it was indicated by Babcock in an interview with the Institute of Government last month that the Highway Department is planning a substantial expansion of its program of planning assistance to municipalities. The purpose of this article, then, is to review briefly some of the outstanding reasons for the failure of North Carolina cities to keep pace with the need for new and modern street facilities, to spell out the present intentions of the State Highway Department with respect to increased planning assisance to municipalities, and to delineate the probable roles that the Highway Commission and cities will have to play if the demand for streets is to be met.

THE TRAFFIC JAM

What, briefly, are the major reasons behind the failure of North Carolina cities to anticipate and provide for their traffic needs?

One of the answers to this question is related to the simple fact that no one anticipated the tremendous increase in the ownership and use of private automobile transportation that has taken place since World War II. The demand for transportation in terms of passenger-and ton-miles for the movement of people and freight has been increasing several times faster than our population growth, and rubber-tired transportation has become a significantly more important aspect of our modern way of life.

Another aspect of the problem lies in the trend toward increased urbanization which has taken place over the last two decades or so. Of all the population growth which took place in the United States beween 1940 and 1950, four-fifths of it occurred in cities and towns. North Carolina's urban population has increased from 19% of the total in 1920 to more than 30% by 1950. By 1980, we can reasonably anticipate that it will be moving toward the half-way mark if not already past it. Not only will more families be concentrated in cities, but these families will own and operate more cars than they now do.

From a physical standpoint, another answer is that there is simply not enough room on city streets for the traffic load being imposed on them. City streets comprising only one-tenth of our total road mileage cannot be expected to accommodate more than half of all the traffic volume without imaginative and drastic improvement in the capacity and quantity of those streets. As against some 67 million vehicles now on the road, it is estimated that the number of vehicles will jump to 95 million in less than 20 years.

Foresight Needed

From this standpoint, the "traffic problem" is tied to the fact that many city streets have grown up haphazardly, unrelated in either width or alignment to the specific function of the street or the type of traffic to be served, and that many North Carolina cities have been slow to undertake and complete basic plans for the improvement and modernization of their street systems. The process of planning a major thoroughfare system is one of matching up deficiencies in the existing street system against expected future traffic desire lines and volumes, and developing therefrom a functional pattern of streets—each of which must be designed to fulfill a particular traffic need. In addition to the systematic programming of new construction, the major thoroughfare plan also seeks to use existing streets as part of the major street system

One-tenth of total road mileage carrying 50% of all the traffic

The cities' major problem: lack of money for planning, engineering and construction

wherever possible. Increasing the capacity of such streets, through such techniques as improved signalization and channelization, and the removal of as much on-street parking as possible to strategically located off-street parking lots, is also a major objective of the thoroughfare plan.

The Major Street Plan

The planned major thoroughfare system includes two basic types of street. The first of these is the local residential street, which ideally should be designed in such a manner that only abutting property owners will be major users of the street. The design of residential streets is usually accomplished as part of the process of regulating new subdivision development.

The second type of street in the system is the public, or traffic street, which serves the entire community rather than primarily the abutting property owners. The bypass, the loop street, the radial street, and the crosstown streets are the basic types of major traffic streets. Bypasses are streets which remove from the city that traffic which has no desire to be there and which free up city streets for traffic with a specific destination in the area. Loop streets handle traffic needing to move from one quadrant of the city to another without the necessity of this traffic having to battle its way through the central business district, and radial streets carry traffic from the outlying suburban areas to the inner sections of the city.

Crosstown streets are perhaps the most important type of street in the major street system, since they are directly related to the economic well-being of the central business district. In addition, they are often the most expensive streets to acquire. As part of the business area, they should be planned to surround the future commercial area in such a way as to permit traffic to move from one side of the central business district to another without making use of shopping streets, which should be left free for shopper and business traffic.

Some Cities Advancing

Many cities, especially the smaller ones, have been unwilling or unable to raise the money even to undertake the necessary major street planning as a first step in the ultimate improvement of their traffic situations. The cost of such a plan, when done by engineering consultants will vary from $5,000 to more than $125,000, depending on the size of the city and the complexity of the problems to be dealt with; and the cost of such traffic planning may thus be a sizeable percentage of a city's administrative budget. As a result, there is very little precise information about the specific need for new streets in urban areas throughout the state. For historical reasons, much more is known about our inter-city, rural, and primary highway needs.

This is not to say that some cities throughout North Carolina have not made a serious effort to undertake plans for their overall thoroughfare

Land use and traffic, inseparable from one another.

needs; this is particularly true of the larger cities such as Charlotte, Winston-Salem, Greensboro, Raleigh, and Durham. In addition, perhaps 25 or more of the smaller cities have completed and adopted major thoroughfare plans. But in spite of the steps that these cities have taken, some of them have already undermined the value of their planning efforts by ignoring or losing sight of the one essential ingredient in major thoroughfare planning.

Integrated Street and Land Use Planning

This key ingredient in a practicable thoroughfare plan is a firm realization by local government officials and planning commission members that a program of street improvements unrelated to a comprehensive plan of development for all of the physical improvements of a community will be of very limited usefulness. Local streets are the skeleton which holds together and connects the various parts of a city. Residential areas, for instance, are the starting point for most local travel. The destination points are the business, industrial, and other areas, and the location and character of these areas at present and as they will exist in the future will determine the extent and type of streets needed to serve them. Transportation planning that is not completely integrated with a comprehensive and carefully-implemented program of land use planning is largely self-defeating.

So it is necessary that before a useable plan for major streets can be completed, basic community objectives such as the location and density of expected residential areas, the space needs of the downtown business district, and the location of schools and other public facilities must be established as part of a land development plan. Concrete plans for the best location of suburban shopping areas and new industrial development must be established. Community objectives with respect to off-street parking and urban renewal and redevelopment programs must also be examined. Only in the light of established community policy embodied in the overall plan can a workable program for needed major street improvements have any real or lasting usefulness.

Zoning and Subdivision Control

Some North Carolina cities are finding that it is one thing to develop a land use and major street plan, and another thing to carry them out. Two essential items in carrying out these plans are the control of residential subdivisions and the regulation of new development through zoning.

Zoning regulations, to the extent that they control the location and intensity of traffic generators are directly related to and can be very effective in solving municipal problems. For instance, zoning in the residential sections of a city can be used to limit the traffic generated by such homes to the ability of streets in the area to handle the traffic load. Zoning can also be used to protect residential areas from nearby parking facilities and preserve residential values and amenities. Zoning can also be an effective means of insuring that new business developments in outlying locations provide off-street parking and loading facilities sufficient for the type of business activity.

Improper zoning for strip business uses along major arterial streets, on the other hand—a practice that prevails in too many North Carolina cities — has substantially reduced the traffic capacity and increased the traffic hazard on these streets. Thus zoning is not only a major means of carrying out the land development plan, but is directly and immediately related to the solution of traffic problems.

The control of new residential development through subdivision regulation, or the lack of it, is directly responsible for many existing traffic problems. A good subdivision ordinance requiring developers of residential property to conform to the major street plan and to dedicate the necessary rights-of-way for it is also an important factor in the success of a major street plan.

Highway Director Babcock, writing in the August, 1957 issue of *Public Management* addressed himself directly to the relationship between major street improvements and community planning programs:

> "The urban area is dynamic and fluid, and one of the most important phases of city gov-

An increasing trend to off-street parking for greater street capacity.

ernment is to cope with this continued growth and change. It is obvious that city government cannot cope with this dynamic urban area unless it understands the nature of changes that are taking place or will take place. In order to understand and direct these changes the administrative portion of the government must obtain the necessary facts concerning population, economy, and needed facilities. With these facts in hand a plan should be developed to help guide the future growth of the community, to determine the magnitude and proper location for new utilities, and to make the most effeient and harmonious use of the land. The preparation and implementation of a workable land development plan is a means to this end. This plan is the basic framework from which the thoroughfare pattern must be developed . . .

"The solving of urban traffic problems depends upon three basic approaches which might be outlined as follows:

1. The development of a long range land development and throughfare plan as a means of eliminating today's traffic problems and preventing tomorrow's problems from occurring.
2. A continuous day-to-day attack on the problem which includes acquisition of critical rights of way, stage construction of highway and street improvements, and the adoption of capital improvement budgets for street improvements.
3. The use of sound traffic engineering procedures to expedite traffic movement and make the best possible use of the existing street system."

A Note About Cost

Exactly how much will the major street expansion programs cost, and where will the money come from? Greensboro, one of a number of North Carolina cities to have completed a major street plan, has put a price tag of almost $7,500,000 on those street improvements for which the need will become critical over the next five years. Many other cities and towns, not having arrived at the stage of planning and detailing the improvements needed, cannot even begin to estimate the cost.

There is growing evidence, however, that the cost of transportation on city streets is outstripping other municipal needs. Recent findings of the Institute of Government in analyzing the financial characteristics of 22 North Carolina cities indicate, for example, that the cost of engineering, construction, and maintenance of streets (as a percentage of all non-utility expenditures) has increased at a much greater rate since 1951 than such other municipal expenses as administration, police, fire, other public works, debt service, and so on. That the cost of modernizing street systems designed in days past for a lower volume of traffic is going to be many times the capacity of some cities to pay for these improvements is apparent, and further discussion of the cost side of the "traffic problem" will be presented in later issues of Popular Government.

Beginning of a new era in highway transportation

WHICH WAY OUT?

The traffic mess appears to be the result of a number of factors: too many automobiles and too few streets properly located to carry the traffic; increasing urbanization combined with increased use and ownership of cars; a lack of planning for streets, or a watering-down of street planning efforts through failure to integrate street plans with overall city planning; and last, but not least, a lack of money for both planning and construction.

One answer to the problem, by no means a complete solution, has been the increasing amount of federal activity in the area of urban transportation. Because it has been widely suggested that the most significant approach to meeting the traffic crisis in recent years has been the authorization by Congress to proceed with construction of the Interstate System, its impact on North Carolina cities is worth some speculation here.

The Interstate highway program is assuming an importance wholly aside from the sheer size of the appropriations authorized for its construction. Highways to be built under this program will have a profound and lasting effect on the character of growth

in urban areas. Whether they will stimulate a desirable growth pattern or hinder it will depend on large measure on whether North Carolina cities are prepared to shoulder their own responsibility in spelling out their overall street and land development objectives.

Another important factor in the ultimate impact of the Interstate System on North Carolina cities is the action of Congress under the 1956 Federal-Aid Highway Act (appropriating funds for construction of the system) in setting aside funds for the extension of planning assistance to local government units. It is expected that through the use of these funds the limitations mentione dearlier with respect to both the lack of information and funds for planning will be largely overcome.

The Interstate System

The Interstate System, when completed, will consist of 41,000 miles of controlled access highway connecting all the principal metropolitan areas and cities of the United States. It will tie together almost all cities with a population of 50,000 or more and will be directly accessible to approximately half the urban and rural population of the United States. About 2,300 miles of the system have been reserved for radial, loop, and circumferential streets in and adjacent to urban areas. The Interstate System will be financed on a 90%-10% basis shared between the state and federal governments, and the $2.5 billion dollars apportioned to the states under the 1958 Act for fiscal 1960 is over and above the $900 million voted by Congress for the Federal-aid primary and secondary highway systems and their urban extensions.

In North Carolina, the Interstate system will add up to a total of approximately 800 miles of controlled access highway, including the Charlotte-Canton, Ohio extension approved this spring. The ultimate cost of the North Carolina sections of the system will total about $4,000,000, and it is estimated by the State Highway Department that from 40 to to 50 percent of the system lying within North Carolina will be completed within the next two years. The remaining 50 per cent will be finished over the 15 years following, and construction of the system has been programmed to insure as far as possible that all of its links will be completed at approximately the same time throughout the country.

The Highway Department estimates that the Interstate System in North Carolina will serve approximately 65% of the state's population, and Director Babcock's prediction is that a considerable amount of new urban and industrial development will be generated in what are now primarily rural or vacant areas along the general alignment of the highways. "It may, in fact, change the entire shape of North Carolina," said he.

Challenge and Opportunity

This aspect of the Interstate System in North Carolina raises questions similar to those asked by Consultant-Planner Carl Feiss, of Washington, D. C. in a letter to the New York **Times** on April 27, 1958. Feiss noted dangers in the program which, he says, few communities are prepared to deal with: highways being bulldozed through developed areas, the injudicious location of interchanges in areas inadequately protected by planning and zoning control, and the reaping of a harvest of "land pollution and urban sprawl." He forsees large land areas being eliminated from the tax rolls with no equivalent tax return, consistent neighborhoods being divided, school districts smashed through, and existing community patterns altered.

Can or will this sort of urban destruction take place in North Carolina as a result of the highway program? The State Highway Department takes the position that it will not, but emphasizes at the same time that the need for cities and towns in the state to begin to formulate their land development and major thoroughfare objectives and to present them to the Deparment for study is more urgent than ever.

The necessity for more and better integrated local planning raises the next question: where can North Carolina cities turn for the advice and assistance so badly needed but for which local resources are often inadequate?

State Help for Cities

The Highway Department has given considerable thought to this problem, and as a result, the Advance Planning Section of the Statistics and Planning Department is stepping up preparations to extend to North Carolina cities both financial and technical assistance in the formulation of local street plans. A number of municipalities, including Wilmington, Elizabeth City, Waynesville, Concord, Laurinburg, Ahoskie, Monroe, and Clinton will receive assistance in the form of spot studies of special problems; while Charlotte and Asheville will undertake major street and thoroughfare plans with assistance provided by the Highway Department.

The origin of funds for such assistance lies in a provision of the 1956 Federal-aid Highway Act stating that up to 1.5% of funds received by the state may be used for engineering, planning, and economic investigations. As between the Highway Department and the cities, the probable basis for sharing the cost of planning will be a 25% contribution from the city involved, although this

Limited access high speed thoroughfares

may vary slightly in individual cases depending on how much of the planning project is locally-oriented and how much is state-oriented. Whether the planning assistance is rendered directly by the Advance Planning Section, or by consultants hired by the Highway Department for the purpose, will depend, Babcock indicated, on the extent and type of the work to be done and the workload of the Advance Planning staff.

It should also be noted that in addition to the 1.5% of federal funds available for urban area traffic planning under the 1956 Federal-aid Highway Act, an additional resource for general planning in cities and towns under 25,000 in population is provided under section 701 of the Housing Act of 1954. Funds available through this program, which is administered in North Carolina by the Division of Community Planning, Department of Conservation and Development, may also be used for transportation planning as part of the overall planning-program. The State Highway Department has indicated that it will be available to assist on a cooperative basis with the development of local thoroughfare plans to cities engaged in the 701 program, although the precise details of this cooperative agreement have not yet been completed.

What Cities Can Do

The National Committee on Urban Transportation, in its recent book "Better Transportation for Your City*, has listed some of the types of local street and general planning activities which would qualify for assistance under the 1.5% provision of the 1956 Highway Act. These include:

1. **Studies of Street Use,** for the purpose of identifying and classifying streets according to their present use as expressways, major arterial streets, collector streets, and local streets.

2. **Origin and Destination Surveys,** for the purpose of developing information of trips into, within, and through the city, the mode of travel used, and time consumed. Information obtained from the "O & D" survey is essential not only to the major street plan, but for the land development plan as well. Data relating to the traffic generation characteristics of various types of land use and to the need for streets to connect these land uses are essential in relating the thoroughfare plan to the general plan.

3. **Surveys of Existing Land Use.** This survey provides a comprehensive picture of the way in which all land in the community is being used, whether for business, industrial, residential, or other purposes. It is essential not only in developing the major thoroughfare plan, but is also used in completing an overall plan for land development. "In other words, anticipated land use provides a basis for estimating future travel patterns."

4. **Surveys of Existing Traffic Services;** including traffic volume, travel time, street capacity, accidents, parking, and traffic control devices.

5. **Transit Service Surveys,** including surveys of the routes and coverage of public transit, route inventory, passenger load data, frequency of service and regularity, running time, speed and delays, operating data, and passenger riding habits.

6. **Surveys of the Physical Street System,** which are useful not only in determining street needs, but also for short-term and long-range planning, in budgeting for maintenance, and sometimes for answering complaints. The information obtained through this type of survey involves among other things, an inventory of curb and right of way widths; pavement types; age and condition; condition of sidewalks; curb and gutter; storm drainage; street lighting; and so on.

7. **Surveys and analysis of Financial Records;** this type of survey pertains to the allocation of funds to (a) various street systems; (b) maintenance, operation, and construction; and (c) various means of transportation. The product of this survey is useful in estimating costs for construction, maintenance, and operations; in budgeting and preparing capital improvement programs; and is also useful in evaluating administrative practices.

It should be noted, however, that the 1.5% funds may not be used for studies and surveys dealing with transit operations, local administration, local laws and ordinances, or investigations of a similar nature.

It has been suggested by Highway Director Babcock that before an interested North Carolina municipality undertakes any of these studies, that the city contact the Department for discussion and review of the proposed surveys. Following completion of the review process, the Advance Planning Section will thereafter be able to advise specifically on the availability of funds and personnel for the project.

In Conclusion . . . .

It can be said that some of the obstacles which have hampered the efforts of local government in North Carolina in attempting to plan effectively for the development of their street systems will tend to diminish as a result of the Highway Department's new program of federally-aided local thoroughfare planning assistance, and its increasing concern for the problems of municipalities in street matters.

Cities, on the other hand, are going to have to begin to assume their share of the responsibility for developing their land use and street plans and presenting them to the state. It has been said that "never before have highway engineers been in position where correct decisions can accomplish so much good but where wrong decisions can be so costly. They should not be required to make such decisions alone, nor should they be faced with the necessity of projecting highways into an area unprepared with its own plans for the future. They should be supported and counseled by the city and regional authorities who should be ready with

(Continued inside back cover)

Highway Director Babcock . . . keenly aware of urban traffic problems.

*Available from Public Administration Service, 1313 E. 60th Street, Chicago 37, Illinois.

THE CLEARINGHOUSE

News Topics

Monroe has issued a progress report on its meter reading by radio, in which it is a world pioneer. Jim Hinkel, director of utilities, announces that already the normal 14 working days required to read the meters has been reduced by three days and lists these additional advantages to the new system now on trial: checks on readings eliminated, doubt about readings removed, no delay in billing department while waiting for books to be brought in, meters may be read in inclement weather, radio equipment may be used for cut-offs, cut-ons and transfers during non-reading periods, and elimination of the problem of equalizing routes.

Bids totaling $150,033.92 have been awarded by **Siler City** for water works improvement, construction of a new raw water storage reservoir on Rocky River and the erection of a new standpipe for water storage.

All septic tanks in **Rocky Mount** that are not now in use must be filled with dirt for safety and health purposes under an ordinance passed recently by the board of aldermen. Owners were given 30 days to comply with the ordinance.

The City of **Lincolnton** has been presented a certificate of merit for "outstanding accomplishments in traffic safety" by the N. C. State Motor Club. It was awarded in recognition of Lincolnton's record of having no motor vehicle fatalities within the city limits for a period of 2,015 consecutive days, from October 22, 1952, to April 29, 1958. Lincolnton is second only to **Albemarle** in safety record.

Winston-Salem and **Greensboro** report that recent spring clean-up campaigns in each of these cities were highly successful. Citizens in both cities cooperated to the fullest extent with city departments and civic organizations that sponsored the campaigns.

Bond issues for financing new sewage treatment plants have been approved in **Elkin, Spencer,** and **Jacksonville**

The City of **Wilson** has gotten the green light from Uncle Sam to go ahead with construction of its sewage treatment plant, completion of which is expected within 10 months. The three and one-half million gallon plant, ultra modern in design, will cost slightly more than $900,000, of which $250,000 will be paid by the federal government.

Recreation bonds and a 10-cent recreation tax were defeated by **Winston-Salem** voters in early May, but water, sewer, and street bonds were approved, but with a close margin in favor of street bonds.

State Lines

A merchants validation plan has doubled the turnover in two city-owned off-street parking lots in **Evanston, Ill.** Spot checks have shown that each parking space is averaging about 10 cars per day compared to five cars per day before the validation plan went into effect. The chamber of commerce purchases validation stamps from the city and sells them to participating merchants in the area. The merchants then give the stamps to their cusomers for parking. The stamps are in 30-minute denominations and cost five cents each. The lots are equipped with automatic ticket ejector machines and entrance gates. The net revenue to the city is not expected to increase, despite the larger turnover, because of the increased expenses for the installation of special equipment and higher operating costs.

Public Management

Forecasts for the future municipal bond market are very optimistic based upon 1957 sales and preliminary figures for the first five weeks in 1958. In 1957, the total volume of municipal bond sales was $6,925 million, only $44 million short of 1954, the record year. Federal loans to state and local governments actually raised the total to $7,135 million. January, 1958, established a new record for that month with the sale of $767 million in state and local bonds. This represents nearly a 16 percent increase over the January, 1957, sales of $662 million. On February 4, 1958, $104 million, involving over 20 issues, were sold. Predictions are that sales in 1958 will exceed 1957 and even may produce a record year.

Public Management

"Rumbler" stop warnings are being planned by the Cook County, Ill., Highway Department in an effort to get motorists to stop at stop-sign intersections. At 100 yards from the stop sign, the driver's car receives a slight jolt followed by a gentle rocking motion and audible rumble. Rumble pavement was constructed at selected test sites, utilizing an asphalt emulsion in which particles of sharp-edged slag were embedded as a seal coat on the existing pavement.

Tennessee Town and City

Highway Planning

(Continued from page 16)

sound plans for over-all development that has the assured support not only of all area officials, but of the public as well. Certainly nothing we have undertaken in highway planning demands more patient, skillful, objective analysis than the problem of coordination of planning in urban areas, nor does any effort promise more fruitful results."*

* "Highway Planning, Past, Present, and Future" E. H. Holmes and J. T. Lynch, U. S. Bureau of Public Roads, Feb. 1957

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