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# POPULAR GOVERNMENT



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# POPULAR GOVERNMENT

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## COVER

*Popular Government's October cover picture features Manning Hall, home of the School of Law of the University of North Carolina at Chapel Hill.*

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# North Carolina Sheriffs Hold Annual Meeting At Morehead City

BY INSTITUTE OF GOVERNMENT STAFF

**T**HE convention opened with registration in the lobby of the Morehead - Biltmore Hotel, Morehead City, at 2:00 p.m. From then until 6:00 p.m., the members of the Association and their guests enjoyed a social period during which they renewed old acquaintances and made new friends. They were joined by several state officials, including Edward Scheidt, Commissioner of Motor Vehicles; Henry Bridges, State Auditor; Basil Sherrill, Assistant Attorney General; and others, who were recognized on Wednesday morning.

At 5:30 p.m. those present proceeded to Tony's Sanitary Fish Market for dinner as guests of the Association. Those attending the convention enjoyed the sights of Morehead City and Atlantic Beach after dinner.

At 10:00 a.m. on Wednesday morning, a formal meeting of the convention was conducted. At this meeting the schedule of the convention was reviewed, and some additions and changes were made. The Secretary, John R. Morris, then recognized the officers of the Association and turned the meeting over to the President, Ruel W. Tyson, Sheriff of Pitt County. The other

officers of the Association were: Frank P. Heavner, first Vice-President and Glenn O. Womble, second Vice - President. The President recognized Mr. L. P. McNicholl, Deputy Sheriff, Field Representative of the Association, Charlotte, North Carolina.

The President then called upon the secretary, who recognized the state officials and guests who had registered up to that time. These were as follows: Malcolm B. Seawell, Attorney General; Basil Sherrill, Assistant Attorney General; Dr. Ellen Winston, Commissioner of Public Welfare; Mr. Harry Barclay, Inspector of Correctional Institutions; Mr. Tom Early, Mr. Barclay's predecessor as Inspector of Correctional Institutions; M. P. Chiles, special agent in charge of the Charlotte office of the F. B. I.; Mr. Walter Anderson, Director of the State Bureau of Investigation; Mr. Edward Scheidt, Commissioner of Motor Vehicles; Archie Gilbert, Director of the License and Theft Enforcement Division of the Department of Motor Vehicles; Colonel James R. Smith, Commanding Officer of the State Highway Patrol; Henry Bridges, State Auditor and Director of the Law Enforcement Officers'

Benefit and Retirement Fund; H. B. Trader, Executive Secretary of the Law Enforcement Officers' Benefit and Retirement Fund; Frank Crane, Commissioner of Labor; and Colonel Capehart, Provost Marshall, U. S. Marine Corps, Camp Lejeune.

The Secretary then made a few remarks concerning the annual Official Directory of Law Enforcement Officers and State Officials, published by the North Carolina Sheriffs' Association, and urgently requested the sheriffs to cooperate with him in maintaining this publication up to date, particularly with regard to the personnel in their offices and in surrounding law enforcement officers' departments.

The President called upon Dr. Winston, who discussed the effectiveness of G.S. 66-10, which requires junk dealers to keep records of purchases, and then introduced Basil Sherrill, Assistant Attorney General, who read a proposed amendment to this statute which would spell out in more detail the items of information which the junk dealers would be required to maintain. The Association expressed its approval of the proposed amendment and agreed that it would facilitate enforcement of the automobile theft laws. In this connection, the sheriffs also discussed the laws existing in some states which require that hub-caps be inscribed or stamped with serial numbers or identifying names or numbers in order to reduce hub-cap thefts and to facilitate investigation and prosecution of auto accessory thefts.

Dr. Winston also discussed briefly the condition of the jails and detention facilities, particularly those for juveniles and requested the continued effort and cooperation of the sheriffs' departments in improving these

*(Continued on page 16)*



# ASSISTANT AND DEPUTY CLERKS CONFERENCE

BY INSTITUTE OF GOVERNMENT STAFF



Attorney General Malcolm B. Seawell shown at the annual banquet meeting.

**D**URING the past summer, the Seventh Annual Conference of the Assistant and Deputy Clerks Association was held at the Institute of Government here at Chapel Hill.

The meeting opened Thursday evening, July 31 at the Carolina Inn where President Vernell DeVane, Assistant Clerk of New Hanover County, called upon Royal G. Shannonhouse of the Institute of Government to deliver the invocation and the address of welcome.

The response was delivered by Miss Mary S. Poythress, Assistant Clerk of Mecklenburg County and following the supper the principal address was delivered by the Hon. H. F. Seawell, Jr., an attorney of Carthage, North Carolina.

The meeting resumed Friday morning and following the appointment of the various con-

vention committees the Hon. C. Loren Derr, Clerk of Superior Court of Wayne County, addressed the group on the subject of proposed legislation for the 1959 General Assembly. Following the discussion of the legislative program, the Hon. Henry L. Bridges, State Auditor, addressed the conference and was followed by Mr. Clyde Ball of the Institute of Government, who discussed the court study being conducted by the North Carolina Bar Association Committee on Improving and Expediting the Administration of Justice in North Carolina.

During the afternoon group sessions were held in the Institute of Government Building. The Hon. W. E. Church, Clerk of Superior Court of Forsyth County, discussed the commitment of inebriates and mentally disordered persons and Mr. D. O.





Principals pictured at the annual banquet session include (Left to Right): Frank Hightower, assistant clerk of Anson County, outgoing treasurer; Mrs. Dixie Adams, assistant clerk of Robeson County, second vice president; the Honorable Malcolm B. Seawell, Attorney General of North Carolina, principal speaker; Miss Rachel Comer,

assistant clerk of Moore County, secretary; Miss Vernell DeVane, assistant clerk of New Hanover County, outgoing president; Royal G. Shannonhouse, assistant director of the Institute of Government; and H. L. Lewis, Jr., assistant clerk of Pitt County, incoming president.

Shackelford, Certified Public Accountant, discussed bookkeeping and accounting methods and techniques for use in the clerks' offices.

Later in the afternoon, the meeting again divided into two group sessions, one conducted by Royal G. Shannonhouse and the Hon. W. E. Church on special proceedings and the other joined in a panel discussion conducted by attorney John Manning, who served as moderator, and Mr. Hill Yarborough.

The annual banquet was held during the evening and the conference was addressed by the Hon. Malcolm B. Seawell, Attorney General of North Carolina.

On Saturday morning, Roddey M. Ligon, Jr. of the Institute of Government discussed adoption law and procedure in North Carolina and was joined in the general discussion following his address by Miss Mary Frances Roberts, Supervisor of Adoptions; Mr. Lewis Bulwinkle of the Attorney General's staff assigned to the Department of Public Welfare; and by Mr. Rich-

ard Sanders, also of the Attorney General's staff.

During the business meeting which followed new officers were elected and included H. L. Lewis, Jr., assistant clerk of Pitt County, president; Miss Mary Poythress, Assistant Clerk of Mecklenburg County, first vice president; Miss Dixie Adams, Assistant

Clerk of Robeson County, second vice president; Albert Blackburn, assistant clerk of Forsyth County, treasurer; Juanita Hunt, deputy clerk of Durham County, historian; Rachel Comer, assistant clerk of Moore County, secretary; and the Institute of Government represented by Royal Shannonhouse, advisor.



Shown during one of the many business sessions are (Left to Right): Miss Mary S. Poythress, assistant clerk of Guilford County, first vice president; H. L. Lewis, Jr., assistant clerk of Pitt County, president; Albert Blackburn, assistant clerk of Forsyth County, treasurer; and Miss Juanita Hunt, deputy clerk of Durham County, historian.

# Superior Court Clerks Meet At Goldsboro

BY INSTITUTE OF GOVERNMENT  
STAFF

**T**HE Fortieth Annual Conference of the Association of Superior Court Clerks of North Carolina was held this summer at Goldsboro where the clerks met to discuss common problems and give each other benefit of their combined years of experience.

Convention headquarters was the Hotel Goldsboro and clerks from throughout the State began arriving July 2 for the four-day meeting.

One of the first topics brought up during the initial discussion session concerned a legislative program to be presented to the 1959 General Assembly. Following the general discussion of the legislative program, Association President P. W. Deaton recognized the Honorable Henry L. Bridges, State Auditor, who discussed a recent change in the federal law with regard to pensions for confederate widows.

Following the session the group adjourned for lunch which was held at the Goldsboro Country Club. During the afternoon session the President recognized Dr. Walter A. Sikes of the State Hospital in Raleigh who spoke on the problems of the State Hospital regarding certificates for restoration of sanity, certificates for former inebriates seeking to have their drivers licenses restored, reports of



Superior Court Clerks during luncheon session held at the Goldsboro Country Club.



Loren Derr, Clerk of Wayne County Superior Court, was host clerk for the conference.



the superintendents to clerks requiring indefinite commitments and other matters of common interest to clerks and the State Hospital.

The President then recognized Professor Albert Coates, director of the Institute of Government, who in turn introduced Sen. J. Spencer Bell, Chairman of the Committee on Improving and Expediting the Administration of Justice in North Carolina. Senator Bell told the clerks about the work of the committee and after calling upon Judge Howard Hubbard of Sampson County, both discussed the recommendations of the committee.

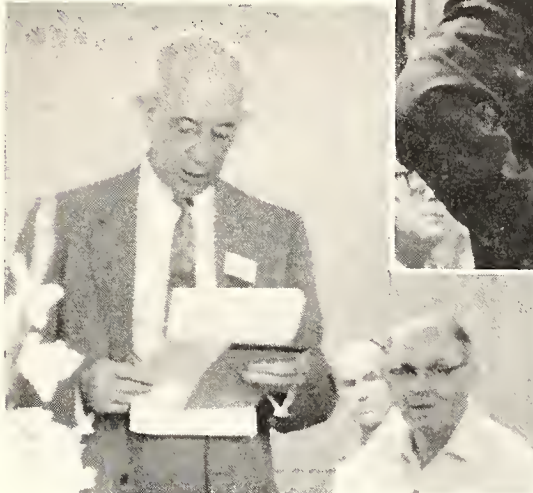
Following this discussion, Mr. A.D. Peacock of the Boy's Home of North Carolina was recognized and he gave a brief talk on this institution.

On Saturday morning the clerks elected new officers which included B.F. McMillan, president; J. Russell Nipper, first vice president; D. Ray McEachern, second vice president; G. W. Sullivan, treasurer; and Institute of Government, secretary. After reports from the various committees, the convention adjourned.



Howard Hubbard, chairman of subcommittee on Court Structure and Jurisdiction.

Sen. J. Spencer Bell, chairman of the Committee on Improving and Expediting the Administration of Justice in N. C.



A. W. Graham, Jr., Clerk of Granville County, delivers Resolutions and Memorials Committee Report.



Hubbard and Bell discuss court study recommendations with clerks.



Joseph P. Shore, Guilford Clerk.



# REGISTERS OF DEEDS SIXTH ANNUAL MEET HELD AT CHAPEL HILL

BY INSTITUTE OF GOVERNMENT  
STAFF



**T**HE sixth annual convention of the North Carolina Association of Registers of Deeds was held here in Chapel Hill with some fifty registers from throughout the State in attendance.

Members of the Association began arriving for the convention on Sunday, June 22, with registration being held in the lobby of the Carolina Inn. A reception was held following reg-

istration and later many of the delegates toured the University of North Carolina campus before heading for the Ranch House where the convention dinner was held.

After dinner Chancellor William B. Aycock delivered the convention keynote address with his remarks directed toward "The Place of Education in the World Today."

The second convention day

featured study sessions and an address by Mr. Clyde Ball, assistant director of the Institute of Government, who delivered a report on the work of the North Carolina Bar Association Committee on Improving and Expediting the Administration of Justice in North Carolina.

Mr. Thomas F. Adams, a Raleigh attorney, later discussed the topic of "Photographic Recordation" and then following a brief







At left: Mrs. Rubye Rhyne, outgoing president, hands gavel to new president W. G. (Bili) Massey of Johnston County.

Registers pose for formal picture in front of Institute of Government.

summary of the discussion periods, the meeting adjourned for lunch sponsored by Mr. and Mrs. Albert Coates at the Joseph Palmer Knapp Building.

During the afternoon registers attended additional study sessions led by Mr. Robert H. Lacey, attorney in charge, Office of General Counsel, U. S. Department of Agriculture, who spoke on "Cancellation of FHA Documents"; Mr. Clifton Bumgarner, an attorney and staff consultant for the Institute of Government, whose topic was "Review of Basic Principles of the Office of Register of Deeds"; and by Dr. Christopher Crittenden, Director of the N. C. Department of Archives and History, who spoke on the destruction and repair of public records and on a proposed state program for microfilming public records.

A business meeting rounded out the afternoon program and after a short adjournment registers reconvened for the annual convention banquet where newly elected officers were presented and an address given by Dr. Sylvia A. Sorkin.



Speaker Aycock



Bill Massey, Rubye Rhyne, and Betty June Hayes at annual banquet.



Clyde Ball, Assistant Director of the Institute of Government, addresses a study session at the annual meeting.



# PERFORMANCE BUDGETING IN LIBRARY MANAGEMENT

by Catherine Maybury  
Institute of Government Librarian

**T**HERE is much discussion in these days of higher and higher costs about efficiency and economy and the part the budget plays in both, and particularly the part performance budgeting plays. Although one is most apt to encounter references to performance budgeting in discussions of governmental fiscal practices, the talk (and in some cases, the technique itself) has reached the library profession. This is partly due to the fact that many governmental units are requiring budgeting on a performance basis for all their functions, including the library, and partly due to the realization on the part of the librarian that a performance budget is not only a better means of obtaining budget requests but that it also works as an effective means of control over the expenditure of the appropriation, and it serves as one of the all-too-few planning tools.

Performance budgeting is not a new device; its common sense approach has been used for many years by far-sighted budget officers and administrators. It was not given careful scrutiny and close observation by the general public, however, until the first Hoover Commission called it by name and recommended its practice for federal agencies in 1949. Since that time the technique has been discussed and debated with such vigor that one is led to believe that here is an entirely new budgeting concept when in reality it is nothing more than an explanation of the proposed expenditures in terms of accomplishments and results rather than a simple line-item presentation.

The performance budget was defined by A. E. Buck as follows:

In order to produce a simpler, more understandable, and more satisfactory budget plan . . . the present ponderous budget document needs to be completely recast along the lines of work programs. This is known as the program or performance budget, which analyses the work of governmental departments and agencies according to their major functions, activities, or projects. It thus concentrates upon the general character and relative importance of the work to be done or the service to be rendered rather than upon the things to be acquired by the departments and agencies, such as personal services, contractual services, supplies, materials, equipment, and so on. The latter things are only means to an end. The all-important consideration in budgeting is the work or service to be accomplished.<sup>1</sup>

In brief, the performance budget tells not only what, but why.

Contrary to popular opinion, preparation of the performance budget does not have to be difficult or costly, although it may be both if caution is not exercised. The performance budget can and should be (and in the case of libraries, has to be) adaptable—a means by which stated aims and objectives are obtained. It should

1. Commission on Organization of the Executive Branch of the Government, *Task Force Report on Fiscal, Budgeting, and Accounting System of Federal Government: A Report With Recommendations*. (Washington: Government Printing Office, 1948), p. 74.

never become a device so intricate that one feels he is budgeting for budgeting's sake.

Why the performance budget for libraries? For the very same reasons performance budgeting has been applied to other functions: to obtain a more accurate statement of needs, a more equitable allocation of funds, a more carefully controlled expenditure of funds, a more easily and readily understood statement of what is to be accomplished with the requested appropriation. And what probably interests librarians most of all, the holders of the purse strings will be more able to determine whether there is a relationship between services rendered and the amount requested to perform these services. In addition to these reasons, padding a performance budget is a more complicated procedure than it was under the old line-item form and, consequently, the appropriating body is apt to treat the budget request with more respect.

Although use of the performance budget is no guarantee that budget requests will be granted, it may mean that budget cuts, instead of being made across the board, will be confined to those programs least necessary to the effective management of the organization. It is assumed, of course, that the budget document will be drawn up in such a manner as to indicate the administrator's conception of the relative importance of specific programs, although the legislative body ultimately must decide their priorities. Budget cutting must be applied to specifically stated programs and the ultimate responsibility for the limitation or restriction on the programs lies with the legislative body and not with the administrator. In this way, the legislative body is made to share with the administrator the responsibility for providing definite services.

**U**NFORTUNATELY, most persons unacquainted with performance budgeting processes assume that performance budgeting necessarily involves cost accounting, a system so expensive as to be prohibitive for many. Although cost accounting, which involves all expenditures incurred during an operation, is desirable, it is not necessary and can be replaced by analyses of work to



be done and of the number of persons needed to perform this work. This method is almost as useful as cost accounting, because it concentrates on labor and other direct costs. In business and industry where profits must be protected, cost accounting is one of the most reliable and necessary managerial techniques. But for library purposes, where manpower is the major cost to the program, simplified procedures for relating work units to labor costs is not only an adequate technique, but one which can be utilized without burdensome expense.

The performance budget should include the following information:

Statement of functions

Description of activities of the current year

Statement of proposed activities with reasons why they are being added

Descriptive, quantitative, comparative data as to work done, unit costs, man-hour costs, etc.

The first step in arriving at this descriptive, quantitative, comparative data, or work measurement figure, is to determine and itemize each of the functions performed by the various departments and then group these functions into major activities such as procurement and preparation, circulation, reference, extension services, building maintenance, etc. This grouping process offers an excellent opportunity for a review of departmental organization and the functions involved in each, in that overlapping of functions and duplication of effort are soon brought to light when work programs are laid out.

An accurate work unit for each activity is then decided upon. This work unit should express output in terms of the thing produced, i.e., for the procurement and preparation process, the work unit is an item; for circulation, an item; for reference, a reference question; for extension services, an item or a reference question, among others; for building maintenance, a square foot of floor to be swept; and so on. The development of the work unit is not so simple a task as it would first appear to be, although for the major functions of most libraries, the work unit is usually the obvious one. However, all libraries, and particularly those special libraries which offer special services, must exercise extreme

care in order to arrive at work units which accurately measure what they are supposed to measure.

The following information is then obtained for each activity:

- 1) The total units of production for the year
- 2) The total personnel used or needed to turn out these units of production
- 3) The total annual paid man-hours figure for that personnel. This is a gross man-hours figure based on annual hours to be paid for, including provisions for normal paid sick leave, holiday pay and vacation pay. Note that this is not a production measurement standard, but a figure to be used in formulating a budget to provide a dollar appropriation to finance the departmental operations for the year.
- 4) The gross paid man-hours per unit, determined by dividing the total, gross, paid man-hours by the total units of production.<sup>2</sup>

This is a very simple operation and perhaps it can best be explained by an example: 1) a department produced 1500 units of work in one year; 2) it had a staff of three persons; 3) these three persons were paid for a total of 1950 hours during that year; 4) therefore, it took 1.3 paid man-hours to complete each unit of work.

ONCE the work measurement figures have been developed, the administrator may determine the number of positions needed, classify these positions, and determine the salaries for each position classification. Next comes the amount of equipment and expenses needed to carry out the various activities. And finally, the summary of dollar needs by activity for salaries, equipment, and expenses.

The work measurement figure is used also to determine the number of people needed to carry out any extension of activities in the future.

2. Lowe, Frank A., "How to Initiate a Performance Budget Program", *Performance Budgeting and Unit Cost Accounting for Governmental Units* (Chicago: Municipal Finance Officers Association, 1954), p. 4.

For example, if over the past three years it was found that a certain number of catalogers was needed to catalog a given number of books a year, then the average number of books catalogued by each cataloger can be determined. Then, if an additional fund were to be requested with which so many additional books a year were to be purchased, the administrator would have figures from which he could get the number of additional personnel needed to catalog the additional books. The same technique is used throughout the process of programming. In the area of reference service, to take another example, if a given number of questions are asked by a student body of so many persons, the average number of questions per student can be determined. The number of librarians it took to answer these questions can be used to find out the average number of questions handled by each librarian. When projected student population figures appear, the librarian will know almost immediately how many reference librarians he is going to need to handle the additional questions, unless he expects to curtail services. It should be assumed that all measures necessary for efficient service have been taken and that the services offered are in line with the aims and objectives of the department or institution. Supporting statements, explaining changes or increases and the reasons for them, should accompany the budget document. This, of course, is an oversimplification of processes which have many more facets than are presented here; but it does point out, to some extent at least, that work measurement figures are needed unless the librarian has a very reliable crystal ball.

AFTER the budget is approved, it represents a contract of a sort between the library administrator and the legislative body, and the administrator must devise means whereby this contract can be fulfilled. Budgetary control, which means simply a regular checking on work programs to insure that they stay in line with the proposed and accepted statement, is the answer. The same information which was needed for the formulation of the budget, i.e., work measurement figures, can now be used as

a check against performance as well as for the preparation of the next budget request. With this information at hand, the planned program should be compared to the actual program for each department and for each activity. For example, figures for the preceding year indicate that 1,500 units of work were completed by three persons; figures presently being received indicate that, at the present rate, these three persons are going to complete only 1,200 work units. If there are seasonal or other variations, then these variations should be taken into account, withholding judgment until a true trend can be seen; if there are no known variations affecting the work, the deviation from the work measurement figures may be a measure of personal efficiency or may simply highlight a situation which should be studied.

The administrator is also in a position to study practices and procedures, the development of the most efficient means of arriving at an objective. Any new methods devised to simplify and speed up routines can be put into operation and the work measurement reports should be watched closely until the new figures become standardized. After a standard figure has been obtained, it may be compared with the earlier figures using former practices, in order to determine the effectiveness of the new techniques.

As expected, however, there are limitations to the performance budget. It is not the complete answer to the administrator's prayers for a tool of maximum control. Quantity rather than quality is measured and reduction or limitation on quantity is not going to raise the quality of the work. Another inherent weakness of the program budget—and this failing is particularly evident when applied to library processes—is the lack of generally accepted standards by which to measure work. This second weakness has probably been a major factor leading to the apparent reluctance of the librarian to adopt the performance budget. In suggesting that he do so, one is apt to hear, "For public works departments, yes; for libraries, no. Everyone knows it is a simple matter to measure the number of street lights painted in a day, but how does one determine the

number of books to be catalogued or the number of reference questions to be answered?" Granted the librarian's task is not so simple as those of others. For one thing, the street lights are all the same size and the books are not of the same complexity. However true this may be, one has to work with what is available, and in this case, it would be an average figure based on an adequate sample. It should also be pointed out that although all of the street lights in one city are the same size, the size of these street lights are not necessarily the size of those found in other cities, and therefore, each city must adopt its own standards based on past experience. So must each department of each library adopt for itself standards of reasonable efficiency based on work accomplished in the past. And although it may take fifteen minutes to catalog one book, one hour for another, and most of the day for another, when the average time is obtained from records extending over an adequate period of time, a fairly accurate figure can be obtained which will serve as a basis for comparison in the future.

**T**HERE has been much talk about establishing standards and uniform accounting systems for comparison purposes. Set standards not only at times have little significance for a particular body, but they also often work hardship on those who actually should not be affected by them at all, but who feel that because standards are established, they must be met. Comparison between various agencies is often more harmful than it is helpful in that any careful examination of any of the two agencies being compared will reveal wide differences in techniques, services offered, materials worked with, and so on, and is consequently without significance. For example, a work measurement figure for a reference librarian in a particular library may indicate that she is answering twenty-four questions in one day while figures from another library indicate that its reference librarian can handle only six questions in one day. First of all, the type of library has to be considered as well as the group of people being served, the amount of actual information obtained for the patron (the information itself or

instruction in locating that information leaving the patron to do the searching), and so on. The conditions found in one library may not in any way be applicable to another, and thus the comparison becomes invalid. Take the cataloging process, for another example. One library published figures that its catalogers turn out fifteen books a day while another only six. This doesn't necessarily mean that the latter cataloging department is inefficient. It may mean simply that the library turning out fifteen books per cataloger per day is not cataloging books as thoroughly as the second library finds necessary in its particular situation. Comparisons made without careful checking of all the facts are not only often misleading, but quite dangerous. One of the most important aspects of establishing standards of any kind, including internal ones, is self-evaluation—the careful consideration of the aims of the particular department or agency.

Initiating a performance budget is not an easy process. Apart from new techniques to be learned, adapted, and perfected, many unforeseen problems are likely to arise. In some cases, already over-worked staffs will be asked to take on the additional chore of making time studies and recording statistics—the outcome of which could work to their disadvantage. It will mean checking on the efficiency of the staff and asking that they help in the process! In some cases, it will mean calling on people for information and answers to questions who have never in the past had to account for their actions. However, if these problems are anticipated, the approach and presentation of the plan should and can be adapted to reduce much of the cause for worry on the part of the staff.

Although the approach to budgeting by program and performance is opposed to the line-item approach, adoption of the performance budget technique does not necessarily mean an abandonment of the line-item method. In the performance budgets now in existence, performance information is supplemented by line-item information, although the latter is greatly reduced from its original size.

Even though the performance budget may not do for the library what  
(Continued on Inside Back Cover)



# The Attorney General Rules

by the Institute of Government Staff

## ALCOHOLIC BEVERAGES

**Possession of Intoxicating Liquors by Members of Private Club in Lockers.** A group of persons maintains a private club room in which each member of the club is permitted to keep, in an individual locker, a small quantity of tax-paid alcoholic beverage of more than 14% alcohol by volume, for the sole use, from time to time, of that person on the premises. Do these circumstances constitute a violation of law? Does the fact that the private club room holds a license and permit for the sale of malt beverages constitute any additional violation of law?

To: W. S. Hunt

(A.G.) G. S. 18-15 provides that no club shall keep or maintain or in any manner aid, assist, or abet others in keeping or maintaining a club room or other place where intoxicating liquor is received, kept, or stored for barter, sale, exchange, distribution, or division among the members of the club or to or among any other persons. If intoxicating liquors are kept in a private club located either in a county which has adopted the provisions of the Alcoholic Beverage Control Act, i.e., a "wet" county, or one which has not, it must be kept for one of the purposes enumerated in the statute to constitute a violation of that section. It is my opinion that a member of the club, under the circumstances stated, may lawfully store a small quantity of intoxicating liquor in his locker, provided (1) the member lawfully acquired the beverage in question, (2) the member had sole control over the private locker and its contents, and (3) the beverage was kept for the sole use of the member and not for barter, sale, exchange, distribution or division among the members of the club or other persons.

In a nonconforming territory, i.e. a "dry" county, however, the keeping of intoxicating liquor under such circumstances constitutes a violation of certain provisions of the Turlington

Act, other than G. S. 18-15, and certain provisions of the Alcoholic Beverage Control Act which prohibit a person from possessing intoxicating liquors in a "dry" county anywhere except in his home or while transporting it to his home from a place where it was lawfully acquired.

G. S. 18-78.1 provides in part that no holder of a license to sell malt beverages for consumption on the premises shall sell, offer for sale, possess, or permit the consumption on the licensed premises of any kind of alcoholic liquors the sale or possession of which is not authorized under his license. If the club in question, after acquiring the license, permits the consumption on the licensed premises of any intoxicating liquors except those sold under the license, there would be a violation of this section.

## COUNTIES

**Financing of Ground Water Survey.** A county is interested in making a ground water survey of the county at a cost of approximately \$65,000, one-half of which would be borne by the United States Geological Survey and the other half by the county. May the county properly undertake such a project, and may it pay its portion of the expense out of the general fund?

To: Elbert S. Peel, Jr.

(A.G.) In the opinion of this office such a project would be a public purpose and would be authorized by G. S. 113-21, taken in conjunction with G. S. 153-9(40). However, the expenditure of ad valorem taxes (of which the general fund is primarily made up) to undertake such a project would not be for a "necessary expense" within the meaning of the Constitution.

It is our opinion, however, that the county would have authority to expend nontax surplus funds such as county liquor store profits, if available, to defray the cost of a county ground water survey.

**Payment of present debts in following fiscal year.** A county has spent all funds appropriated for the purchase of uniforms for the present fiscal year but wishes to purchase summer uniforms for the sheriff's department with the understanding that the seller will not bill the county until after July 1, the new fiscal year. Do the county commissioners have the authority to purchase these uniforms in this manner?

To: James MacRae

(A.G.) No. Under the provisions of G. S. 153-130, no commitment can be made to spend money, and no money can be spent, unless the purpose of the expenditure has been provided for either in the budget or in the authorization of bonds or notes and unless the amount of the appropriation or authorization unspent and uncommitted is sufficient to cover the proposed commitment or expenditure.

## CRIMINAL PROCEDURE

**Waiver of Appearance in Misdemeanor Cases.** May a person charged with the commission of a misdemeanor waive his appearance in court through a licensed attorney and be tried without his being present?

To: Neill McK. Ross

(A.G.) The North Carolina Supreme Court in *State v. Paylor*, 89 N.C. 539, said: "In misdemeanors where the punishment can only be a fine, or in cases where the court can see from the nature of the case and its circumstances that public justice requires no other punishment, the court may, in its discretion, with the consent of the prisoner, dispense with his presence during the trial." It is the view of this office that in a misdemeanor case not punishable by imprisonment, the defendant may, with the permission of the court sitting as such, waive personal appearance and appear in court through his counsel but not through some other agent.

## DOUBLE OFFICE HOLDING

**Double office holding; county tax supervisor and member of the county board of elections.** May a person hold the office of county tax supervisor and, at the same time, membership on a county board of elections?

To: R. A. Dewar

(A.G.) No. The office of tax supervisor for a county and that of membership on a county board of elec-

tions are both considered public offices within the meaning of Article XIV, Sec. 7, of the Constitution, which prohibits double office holding; and one person may not hold both these offices at the same time.

### ELECTIONS

**Absentee Voting not Permissible School Bond Election.** May absentee ballots be cast in a special election on the question of issuing school bonds?

To: E. Ray Etheridge

(A.G.) No. G. S. 115-121 provides that all special elections for school purposes provided for in Article 14, Chapter 115 of the General Statutes shall be called by the Board of County Commissioners. G. S. 115-122 provides that except as otherwise provided in that Article, such elections shall be held in accordance with the law governing general elections. G. S. 153-98 provides that except as provided in the County Finance Act registration for county bond elections and the elections themselves shall be conducted in accordance with the laws governing elections for members of the General Assembly. However, G. S. 163-54 and the other provisions of Article 10, Chapter 163 of the General Statutes relating to absentee voting, would seem to apply to general elections only. Therefore, in the absence of any decision of the Supreme Court on this matter, this office over a long period of years has expressed the view that absentee voting is not permitted in special bond elections or other special elections.

**Filing Fees for Candidates for Office Compensated on Fee Basis or on Salary Plus Fees.** How is the amount of the filing fee of a candidate for an office compensated partially by salary and partially by fees determined? How is the amount of the filing fee of a candidate for one of several identical offices, all compensated on a fee basis, determined?

To: A. J. Ellis and G. M. Angel

(A.G.) G. S. 163-120 provides that the filing fee for any legislative or county office shall be one percent of the annual salary of such office or one percent of the fees received by the office holder in the year preceding if such fees exceeded the amount of \$500.00 and \$5.00 if the fees amounted to \$500.00 or less. The statute does not specifically spell out

the filing fee of a candidate for an office compensated partly on a salary basis and partly on a fee basis; however, it is the view of this office that, reading the statute as a whole, the legislative intent was to use the word "salary" as synonymous with "compensation." Therefore, in the case of an office compensated partly by straight salary and partly by fees, the filing fee should be based upon the amount of salary and the amount of fees combined. As an illustration the filing fee for an office compensated by a salary of \$3600 and fees in the amount of \$900 during 1957 would be \$45.00.

Where the office holder is compensated strictly by fees, and there is but one office to be filled, each candidate for that office is required to pay the same filing fee as the incumbent, who seeks re-election, i.e. one percent of the fees received during the year next preceding; but in those cases in which there are two or more offices to be filled, as justices of the peace, no candidate knows with certainty who his particular opponent is. In that situation the practical way to handle the matter of filing fees is for an incumbent seeking re-election to pay one percent of the fees received during the preceding calendar year but that each other person seeking the office should be required to pay only \$5.00 as a filing fee.

**Party Primary not a Regular Election which Would Interfere with Special Elections.** One county contemplates a special election in which an order for the issuance of hospital bonds shall be submitted to the people for approval on or near the day of the biennial Democratic Primary election. Another county contemplates a special election on the question of establishment of county liquor stores on the day of the Democratic Primary. Is there any reason why the special elections may not be held on the dates proposed?

To: J. R. Morgan and C. A. Hostetler

(A.G.) G. S. 153-93 provides that no special election on the issuance of bonds shall be held within one month before or after a regular election for county officers. G. S. 18-61 provides that no special election to submit the question of establishing liquor stores shall be held on the day of any biennial election for county officers, or within 60 days of such an election.

The Supreme Court of North Carolina has held in *Rider v. Lenoir County*, 236 N. C. 620, that a party primary is not an election within the purview of G. S. 153-93. Therefore, there is no reason why the special bond election cannot be held on or near the date of the party primary. By analogy it is the view of this office that a party primary is not a "biennial election for county officers" within contemplation of G. S. 18-61 and that holding an ABC referendum would be proper on the day of the primary election.

**Qualifications of Unregistered Candidate.** A candidate has filed to run in a party primary election for the office of township constable; however he is not a registered voter of the precinct. Is such a person eligible to become a candidate in the party primary under those circumstances?

To: Harry E. Canaday and S. C. Riddle

(A.G.) Yes. G. S. 163-119 provides that "any unregistered person who desires to become a candidate in a party primary may do so if such person files a written pledge with the Chairman [of the county board of elections] along with the filing form that he or she will, during the registration period just prior to the next primary, register as an affiliate of the political party in whose primary he or she now intends to run as a candidate." Therefore, if the person in question possesses the necessary qualifications for becoming a registered voter, he is entitled to file as a candidate provided he complies with the statute.

A prospective candidate must be treated as an unregistered voter if he has not registered or if he has removed his residence since the last General Election.

### MUNICIPAL CORPORATIONS

**Appearance before State Utilities Commission by Municipal Corporations.** A municipality has been requested to furnish funds for the employment of counsel and payment of expert witnesses for the purpose of appearing against proposed rate increases for telephone service. May the town properly furnish municipal funds for this purpose?

To: G. H. McNeill

(A.G.) Yes. G. S. 62-64 provides that a municipal corporation may either institute or intervene in a rate case before the North Carolina Utili-



ties Commission. The city may employ counsel to represent it and expert witnesses to appear in its behalf; likewise it may join with other parties having similar interests in the proceeding in the employment of counsel and experts. Therefore the payment of reasonable and necessary fees would be quite proper when the city is a party as a protestant or intervenor in a utility rate case.

**Municipal Corporations; Water and Sewerage Assessments.** May a town or city require a citizen to pay for laying pipes for water and sewerage to his property on a cost basis where the cost in one section of town would vary as much as five or six dollars from that in another section of town?

To: Winifred T. Wells

(A.G.) G. S. 160-241 provides that the actual cost of the establishment and construction of a sewerage and water works system or of any extension thereof shall be assessed upon lots and parcels of land abutting directly on the lateral mains of such system or extension, according to the extent of the respective frontage thereon by equal rate per foot of such frontage. (It should be noted that the sub-chapter of which this statute is a part was interpreted in *McNeil v. Whiteside*, 186 N.C. 163, to be an alternative method of financing an installation of sewerage and in no wise to militate against a plan that the town had previously adopted.) It is the opinion of this office that this statute contemplates that the assessments for each sewerage and water line extension project are to be separately figured on a cost basis according to the front foot rule. It is also our opinion that sewerage and water extensions into different sections of town generally constitute separate and distinct projects. Thus it would appear that a town could require a citizen to pay for laying pipes for water and sewerage to his property on a cost basis, even though the costs in another section of town might be as much as five or six dollars less per foot.

**Municipal Corporations; Support of Library Operated by Non-Profit Corporation.** May a city or town use municipal funds to pay the salary of a librarian and to maintain the building and grounds of a library owned and operated by a non-profit, benevolent

corporation, when the library is a free library and serves the citizens of the town?

To: William G. Reid

(A.G.) It is my opinion that under the provisions of G.S. 160-65 and G.S. 160-74 non-tax funds could be used (in accordance with the provisions of the statutes) for the purposes set out, without a vote of the people. It is also my opinion, under the provisions of G.S. 160-66 in conjunction with G.S. 160-74, that pursuant to approval at a special election, a municipal tax could be levied for such purposes.

**Operators of Day Nurseries Required to be licensed.** May a person lawfully operate a day care facility, or day nursery, in which two or more children of different parents are cared for during certain hours of certain days by agreement between the operator of the business and the parents of the children, without a license issued by the State Board of Public Welfare?

To: Dr. Ellen Winston

(A. G.) No. The activity described appears to fall within the purview of G.S. 110-49 which requires that any business engaged in caring for children separated temporarily from their parents be annually licensed by the State Board of Public Welfare. However, a school or kindergarten subject to the supervision of the State Board of Education is not an activity coming within the provisions of this section.

**Revocation of Licenses Issued by the North Carolina Real Estate Licensing Board.** May the N. C. Real Estate Licensing Board revoke the license of a broker or salesman for conduct which occurred in 1955 and 1956 but which would now be prohibited by the Licensing Act of 1957?

To: R. Harry Lewis

(A. G.) The right of the Real Estate Licensing Board to revoke licenses issued by it is set forth in G.S. 93A-6. From an examination of that section along with other sections of the Licensing Act, I conclude that the Real Estate Licensing Board would not have authority to revoke the license of a real estate broker or salesman on the basis of conduct and business transactions which took place before the Licensing Act became effective.

## PUBLIC RECORDS

**Records of District Health Departments.** Must documents, papers, and letters other than clinical records of patients be treated as public records under the provisions of Chapter 132 of the General Statutes?

To: Dr. O. David Garvin

(A. G.) Yes. In my opinion such documents, papers, and letters are public records and are subject to the provisions of Chapter 132. They are not accumulated in anyone's individual or private capacity but rather by reason of performing health department duties. They should not be destroyed or otherwise disposed of except with the consent of the State Department of Archives and History as provided by G.S. 132-3.

## RETIREMENT

**Effect of Tardy Payment of Terminal Leave on Retirement Rights.**

A state employee gave adequate statutory notice of retirement to become effective January 1, 1958; but for some reason terminal leave payment was not made until some time in January and the payroll did not indicate that the payment was for terminal leave. Should the employee's retirement payments commence for the month of January or the month of February?

To: Nathan H. Yelton

(A. G.) As of January 1, the employee in question has completed the performance of all his duties as an employee and was entitled to his terminal leave pay. The mechanics of bookkeeping do not deprive him of his right to his January retirement payment.

## SCHOOLS

**School Current Expense Appropriation for Extra Teachers.** A city administrative unit has voted a supplement tax to pay extra teachers and otherwise to operate schools of a higher standard. May the county board of education in the same county include in its current expense budget an item for the payment of additional teachers over and beyond the state allotment, and may the board of county commissioners allow this item?

(Continued on inside back cover)

## Books of Current Interest

AMERICAN NATIONAL GOVERNMENT, by *Cortez A. M. Ewing*. *New York 3: American Book Co., 55 Fifth Ave., 1958. 735 pp. \$7.25.*

This book is a valuable and highly readable political science textbook. It discusses the more important concepts and institutions of American government at an effective teaching level. Professor Ewing has managed to avoid the minutiae which tax the memory without contributing to the understanding. He has avoided oversimplification and "talking down," and at the same time has managed to describe the institutions and define the concepts with unusual clarity.

The four chapters on the United States Congress present both theory and practice with expertness. Enough detail is woven into the discussion of procedure to make it understandable; this is not an easy achievement—legislative procedure is an area of blurred general impressions and of considerable vagueness in the minds of students as well as of citizens generally.

Occasionally Professor Ewing makes general statements which are open to challenge as being too broad, but when they are read with careful attention to the context the objection disappears.

In addition to its value as a college textbook, the book should be especially valuable to high school teachers of American history and government as a convenient reference book and source of ideas.

THE FREEDOM TO READ: PERSPECTIVE AND PROGRAM, by *Richard McKeon, Robert K. Merton, and Walter Gellhorn*. *New York 63: R. R. Bowker Co., 62 W. 45th St., 1957. 110 pp. \$2.50.*

Many studies have been made and many books written about the complex and controversial subject of censorship, but few have penetrated as deeply as *The Freedom To Read*. The book illuminates the philosophical, sociological and legal issues at stake, at a time when abridgements of the

freedom to read constitute a particularly serious national problem, and suggests the need for practical, immediate antidotes as well as for further research to specific areas.

POLITICS, PARTIES, AND PRESURE GROUPS, by *V. O. Key, Jr.* *New York 16: Thomas Y. Crowell Company, 432 Fourth Avenue, 1958. 783 pp. \$6.50.*

This standard text in the field of American political science has been completely rewritten to present "the findings of recent research on American politics."

THE BOOK OF THE STATES, 1958-59. *Chicago 37: Council of State Governments, 1313 E. 60th Street, 1958. 538 pp. \$9.00.*

This is the twelfth edition of the standard reference work on state governments—their organization, administration, finances and services.

Authorities in many fields have contributed articles and summaries in the new edition, primarily on recent developments. The book contains scores of state by state tables of basic facts, as nearly current as accurate compilation permitted. Individual "state pages" contain the names of various officials and selected statistics of all the states, commonwealths and territories.

The current edition comprises eight sections. Two supplements will carry comprehensive listings of state officials and members of the legislatures. The book and the supplements may be ordered at \$12 a set, or the book alone is available for \$9.

THE SUPREME COURT AS FINAL ARBITER IN FEDERAL-STATE RELATIONS, 1789-1957, by *John R. Schmidhauser*. *Chapel Hill: The University of North Carolina Press, 1958. 241 pp. \$5.00.*

REACHING DELINQUENTS THROUGH READING, by *Melvin Roman*. *Springfield, Illinois: Charles C. Thomas, 301-327 Lawrence Avenue, 1958. 125 pp. \$4.50.*

To those who would be misled by the title, let the first paragraph of this book set them straight:

If one adopts an organismic frame of reference regarding behavior, it is apparent that one cannot consider the disabilities of an individual apart from his total functioning as an organism. Such a theoretic orientation suggests that we treat the total child. Thus with delinquent children who manifest a reading disability in conjunction with severe emotional disturbance, it seems desirable to integrate therapeutic and remedial efforts. Such an integration will hereafter be referred to as tutorial therapy.

This book is written for highly trained educators, psychologists, psychiatrists and psychiatric social workers and not for the elementary school teachers, the local child welfare workers and juvenile court officers, all of whom might well have their hopes up that here at last is a means of approach to the delinquent child.

LAND RESOURCE ECONOMICS: THE POLITICAL ECONOMY OF RURAL AND URBAN LAND RESOURCE USE, by *Raleigh Barlowe*. *Englewood Cliffs, N. J.: Prentice-Hall, Inc., 1958. 585 pp. \$10.00.*

A storehouse of significant information, *Land Resource Economics* keeps abreast of all the latest developments in economic doctrine, and, in a thoroughly understandable manner discusses among other things, land development, operating costs, and location economics; emphasizes the impact which systems of government, legal arrangements, custom, and our concept of property rights have upon our use of land; highlights the application of government measures to the social direction of land use and taxation of landed property; and considers the subject of resource conservation, the valuation and appraisal of property, and the operation of the real estate market. Anyone who buys or sells land, invests in landed properties, or is concerned with construction or developmental projects can find help in this excellent volume.

SUBURBAN DOWNTOWN IN TRANSITION: A PROBLEM IN BUSINESS CHANGE IN BERGEN COUNTY, NEW JERSEY, by *Samuel Pratt and Lois Pratt*. *Rutherford, N. J.: Institute of Research, Fairleigh Dickinson University, 1958. 113 pp. \$3.00.*



This is an analysis of changes in retailing patterns and a prediction of the impact of two new large regional shopping centers (each has 100 or more stores) on the structure of retailing and particularly on business in the older established shopping districts in five towns. This study is based upon a retailer survey conducted prior to the opening of the shopping centers. Over 200 merchants in the five established districts were queried to get their opinion as to the probable effect of the new centers on sales and store operations, the advantages and disadvantages of older retail districts as compared with the new regional shopping centers, and action programs that downtown merchants might take to improve their competitive positions. This study is the first in a series that will be devoted to business and social changes within the New Jersey metropolitan area.

**DOWNTOWN VERSUS SUBURBAN SHOPPING IN MIAMI, FLORIDA (A STUDY OF CONSUMER MOTIVATION)**, by *Bernard Ferman*. *Miami: Bureau of Business and Economic Research, University of Miami, 1957. 11 pp. \$3.00.*

An examination into the shopping habits and desires of the Miami consumer by means of a questionnaire submitted to 324 persons interviewed in three separate shopping locations. Surveys such as these are important in planning for commercial facilities so that the wants of the shopper are taken into account.

**ECONOMIC DEVELOPMENT**, by *Charles P. Kindleberger*. *New York 36: McGraw-Hill Book Company, 325 W. 42nd Street, 1958. 325 pp. \$6.50.*

The author, professor of economics at the Massachusetts Institute of Technology, reviews the extent of present understanding of the economic growth of underdeveloped countries, and discusses: (1) the "ingredients of development" (resources, capital formation, the labor force, etc.); and (2) some general aspects of the development process — the change in technology, increase in scale of output, and the reallocation of resources from agriculture to manufacturing, distribution, etc. Included also is a discussion of the major issues with respect to development approach currently being debated in underdeveloped countries.

**PAROLEES AND PAYROLLS**, by *Arthur F. Lykke*. *Springfield, Illinois: Charles C. Thomas, Publisher, 1957. 104 pp. \$4.75.*

For many parolees just released from prison, job hunting brings disappointment, disillusionment and despair to a degree that crime and its accompanying "stretch" in prison are looked upon as a necessary way of life.

It is hoped that this book, written by an employee of the Department of Justice who has had nine years of experience in developing employment opportunities for federal prisoners, will be used not only by institutional parole officers but by employment agencies as well.

Chapters on employment agencies, institutional trade training, concealing or revealing criminal records, letters of application, personal interviews, among others, tell how, why, and where in an area not previously covered either by personnel studies or by works in criminology.

Another "must" published by Thomas!

**A MODEL PROCEDURE FOR THE ADMINISTRATION OF ZONING REGULATIONS**, by *Robert M. Leary*. *Washington 6, D. C.: Urban Land Institute, 1200 18th Street, N. W., 1958. 95 pp. \$5.00.*

This study will probably earn a place as one of the basic texts for persons connected with the process of zoning administration. The author outlines in considerable detail the suggested organization and procedures for an office of zoning administration and for the board of adjustment, including many of the forms which will be found useful by these agencies. Although much of the discussion is phrased in terms of "big city" organization, the principles and procedures described will have much value in a smaller operation. North Carolina officials using this work should be cautioned, however, that an occasional suggestion is not in accordance with our state's zoning enabling act. Despite this almost necessary drawback to a book designed for nationwide distribution, this is a valuable contribution to zoning literature.

**MUNICIPAL LAW**, by *Charles S. Rhyne*. *Washington 6, D. C.: National Institute of Municipal Law*

*Officers, 830 17th Street, N. W., 1957. 1125 pp. \$22.50.*

This is the long-awaited one-volume treatise on municipal law. While it possesses the limitations of occasional over-simplification and apparent contradictions which might be expected to result from compressing a large body of law into this length, Mr. Rhyne's book will be regarded as a basic source by the practicing attorney or city official wishing a quick glimpse at the major outlines of a particular legal problem. The author has drawn upon the wealth of material collected through the years by NIMLO, of which he is executive secretary, and has presented this material in simple form. A copy should be in every city hall.

**THE TECHNIQUE OF MUNICIPAL ADMINISTRATION**. *Chicago 37: International City Managers' Association, 1313 East 60th Street, 4th ed., 1958. 441 pp. \$7.50.*

Municipal officials will require no introduction to this basic member of the ten-volume series of texts on municipal administration published by the International City Manager's Association. While designed primarily as textbooks for correspondence courses given by ICMA, these texts have gained recognition as the most valuable works available to the official desiring to learn both the "how" and the "why" of particular governmental operations. This edition has been thoroughly revised since the third edition was issued in 1947—to such an extent that possession of the earlier edition is no excuse for failing to add this volume to your library.

**NEIGHBORHOOD PLANNING**, by *V. Joseph Kostka*. *Winnipeg 9, Manitoba: The Author, The University of Manitoba, 1957. 142 pp. \$4.00.*

This handy volume and its predecessor, "Planning Residential Subdivisions," represent a vest pocket course in application of design principles to the planning of new developments. The author combines a fresh and provocative outlook with clarity of presentation. Both experienced planners and those with merely incidental interest in the field will find much of value here.

## N. C. Sheriffs

(Continued from page 1)

facilities and in complying with the applicable laws regarding the detention of juveniles.

There being no further business at the morning session, it adjourned.

At 12:00 noon all of those attending the Convention enjoyed a buffet luncheon in the hotel dining room and patio, compliments of the Association.

At 2:00 p.m. a bus trip to all the sights of interest in the area was enjoyed by the ladies' Auxiliary and the wives and guests of the men attending the session.

At 2:30 p.m. the business meeting of the convention opened. The matters discussed in some detail at this meeting were the following:

The President called upon Sheriff L. E. Brown, Buncombe County, to discuss his handling of the duty imposed on the sheriff by G.S. 14-191 to enforce the obscene literature statutes (G.S. 14-189, 189.1). Following Sheriff Brown's address, there was a general discussion of the problems involved in carrying out this duty. The consensus of the group was that the sheriffs would be well advised to have their county commissioners appoint a committee composed of leading citizens, including doctors, lawyers, ministers of the gospel, and local business men to cooperate with the sheriff's department in reviewing the publications displayed on local newsstands and trying to obtain the cooperation of local distributors and of publishers in complying with these statutes.

Sheriff Brown was also called upon to discuss his program for the Junior Deputy Sheriffs in his county. Sheriff Brown re-

ferred to an article on this subject in "The Law Enforcement Officer" magazine and described the benefits of the program in his county in reducing juvenile delinquency. Sheriff Brown and the officers of the Association recommended that all of the sheriffs investigate the possibility of initiating a similar program in their own counties.

Colonel James R. Smith, Commanding Officer of the State Highway Patrol and Basil Sherrill, Assistant Attorney General, discussed the bill pending in the United States Congress to cancel the income tax advantage to law enforcement officers contained in the provision that state or local governing bodies could allow such officers a five dollar a day subsistence allowance which would be tax free. Many of the sheriffs expressed great interest in this bill and stated that they intended to write their congressman in Washington in order to keep this provision from being repealed. Sheriff Bob Pleasants, Wake County, offered a resolution which was adopted, that the Association go on record as being in favor of the existing provision. The Secretary was instructed to send copies of the resolution to North Carolina representatives and Senators in Congress.

The President then called upon Colonel Capehart, Provost Marshall of the U. S. Marine Corps, and he discussed at some length the cooperative efforts of civilian law enforcement officers, including the sheriffs, with his department in discouraging and controlling misconduct of marine corps personnel while on leave and liberty and the various methods for coping with this problem.

Mr. Henry Bridges was then recognized to give the annual report on the Law Enforcement

Officers' Benefit and Retirement Fund. A copy of this report will be published in the next issue of the Official Directory of Law Enforcement Officers and State Officials, published by the Association.

The President then recognized Walter Anderson, Director of the State Bureau of Investigation, who discussed the cooperative efforts of his department with the various sheriffs' offices and the facilities of his department which are available to the sheriffs. Mr. Anderson also discussed several matters which will be brought to the attention of the next session of the General Assembly and requested the views of the sheriffs on his proposals, as well as their cooperation in supporting those proposals that they agreed with.

The President then recognized Royal Shannonhouse, Assistant Director of the Institute of Government, who discussed with the members of the Association the proposed Institute school for newly elected sheriffs and deputies and obtained their views on the time for holding the school and the topics to be discussed. The consensus of the Association was that the school should last from three to five days, be held in November following the general election, and should cover both civil and criminal matters with particular emphasis on the law of arrest and search and seizure, office records, forms and procedures; serving and executing civil process and judgments, including samples of civil papers handled in the sheriff's office. Shannonhouse promised that the sheriffs would hear more about this school early in the fall and that the wishes of the Association would be given careful consideration in planning it.

The meeting then adjourned. At 7:30 p.m. the Association



assembled for entertainment presented by Sheriff Salter's group and then proceeded to a near-by pier where they boarded two boats which conducted them on a cruise of the sound including the sights of interest along the shore.

On Thursday morning at 10:30 a.m., the meeting convened for the election of officers and the selection of the next convention city. During this session a resolution was adopted in which the Association expressed its disapproval of drag-racing in any manner or form.

The Sheriff's Auxiliary, composed of office deputies and matrons, assembled separately for a discussion of a proposed school for them. They were joined by Basil Sherrill, former Assistant Director of the Institute of Government and David Evans, Assistant Director of the Institute of Government, who assisted them in making plans for this school and then discussed a number of questions and problems involving their duties and responsibilities.

The new slate of officers elected at the sheriffs' meeting was as follows: President, Frank B. Heavner, Lincoln County; First Vice-President, Glenn O. Womble, Nash County; Second Vice-President, Haywood Allen, Cleveland County; Secretary, John R. Morris, former sheriff of New Hanover County. After a discussion of a number of invitations for the 1959 convention, the group voted to hold its next convention in Asheville during the first week in August. Following completion of the business meeting, the Association recessed until 7:30 p.m., at which time the annual banquet was held. The Honorable John D. Larkin was master of ceremonies. The group was entertained by a humorous speaker.

## Library Finance

(Continued from page 10)

it will do for other government agencies or for industry, it is an approach to accurate measurement and efficient operation and should be considered as an improvement over the line-item method of budgeting, which may be nothing more than a haphazard guess. The performance budget can serve as the long-sought-for link between administrative operations and fiscal control. With its use, budget making can be looked upon as an administrative tool, and not only as a once-a-year inconvenience or as an obstacle to effective planning.

### SELECTED REFERENCES

- Administrative Uses of Performance Budgets*. Chicago: Municipal Finance Officers Association, 1954.
- Commission on Organization of the Executive Branch of the Government, *Task Force Report on Fiscal, Budgeting, and Accounting System of Federal Government: A Report with Recommendations*. Washington: Government Printing Office, 1948.
- Elkins, Eugene R., *Program Budgeting: A Method for Improving Fiscal Management*. Morgantown: West Virginia University, Bureau for Government Research, 1955.
- Mosher, Frederick C., *Program Budgeting*. Chicago: Public Administration Service, 1954.
- Performance Budgeting and Unit Cost Accounting for Governmental Units*. Chicago: Municipal Finance Officers Association, 1954.
- Performance Budgeting for Libraries*. Chicago: Municipal Finance Officers Association, 1954.
- Peterson, Harry N., "Performance Budgeting, Work Measurement, and the Public Library", *Wilson Library Bulletin* 27: 620-3, April 1953.
- Sherwood, Frank, "Some Non-Cost Accounting Approaches to Performance Budgeting", *Public Management*, 36: 9ff (January 1954)
- Terhune, George A., *An Administrative Case Study of Performance Budgeting in the City of Los Angeles, California*. Chicago: Municipal Finance Officers Association, 1954.
- U. S. Bureau of the Budget, *Techniques for the Development of a Work Measurement System*. Washington: Government Printing Office, 1950.

U. S. Bureau of the Budget, *A Work Measurement System: Development and Use (A Case Study)*. Washington: Government Printing Office, 1950.

U. S. Bureau of the Budget, *Work Measurement in Performance Budgeting and Management Improvement*. Washington: Government Printing Office, 1950.

Weed, Katherine K., "A Tool for Management Evaluation of Library Services." *Special Libraries* 48: 378-82, October 1957.

## Attorney General Rules

(Continued from page 13)

To: C. C. Linneman.

(A. G.) G.S. 115-80(1) provides that when necessity is shown by county or city boards of education, or peculiar local conditions demand, for adding or supplementing items of expenditures not in the Current Expense Fund provided by the state, the board of county commissioners may approve or disapprove, in part or in whole, any such proposed and requested expenditure. For those items it approves, it shall make a sufficient tax levy to provide the funds. G.S. 115-86 provides that all county-wide current expense funds shall be apportioned to the administrative units of a county on a per capita enrollment basis which shall be determined by the State Board of Education and certified to each administrative unit. G.S. 115-116(a) provides that administrative units may vote special taxes to supplement the current expense funds from state and county allotments and thereby operate schools of a higher standard by supplementing any item of expenditure in the school budget.

From the foregoing, it is our view that a county board of education may include in its Current Expense Fund budget the salaries of teachers over and beyond the state allotment. The board of commissioners may, in its discretion, either approve or disapprove, in part or in whole, this item. It will of course be necessary to make a per capita allocation to the city administrative unit, and additional teachers of that unit may be paid from these funds as well as from the supplement tax approved by the voters.

*School for Newly Elected Sheriffs  
and Deputies*

December 28-31

To be held at  
Institute of Government  
Chapel Hill

Neal Forney and Royal G. Shannonhouse  
In Charge for Institute of Government

*School for Newly Elected Clerks of  
Superior Court and Their Assistants  
and Deputies*

December 29-31

To be held at  
Institute of Government  
Chapel Hill

Royal G. Shannonhouse in Charge for Institute of Government