



IN THIS ISSUE



ELECTIONS IN NORTH CAROLINA
By Major L. P. McLendon

Everybody Wants
THE HIGHWAY FUND
By Henry Brandis, Jr.

TRAFFIC SAFETY IN GREENSBORO
By George C. Eichhorn

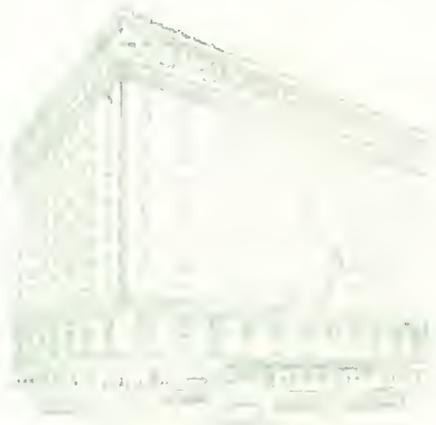
STATE TAXES COME AND GO
By T. N. Grice

EDENTON'S BEAUTIFUL COURTHOUSE
(Our Cover Picture)
By Richard Dillard Dixon

STATE DEPARTMENT RULINGS
OF INTEREST TO
OFFICIALS AND LAWYERS



POPULAR GOVERNMENT



Political Headquarters for North Carolina

THE SIR WALTER IS NOW A ROBERT MEYER HOTEL
"A Worthy Member of a Distinguished Group"

Since assuming the management of the Sir Walter, the Robert Meyer interests have been spending thousands of dollars to renovate this famous hotel. Nothing has been spared to make the Sir Walter one of the finest hotels in the South. By January 1, renovation of all public space will be completed, and you will be delighted at the improved appearance of the lobby, the entrances, dining rooms, elevators and corridors. Every room will have new inner spring mattresses before the first of the year. You will be surprised at the many new features at the Sir Walter.

The Sir Walter

Roland A. Mumford, Manager

Raleigh, N. C.

Other Robert Meyer Hotels

THE PATRICK HENRY Roanoke, Va.	THE FARRAGUT Knoxville, Tenn.	MAXWELL HOUSE Nashville, Tenn.
THE HERMITAGE Nashville, Tenn.	THE WINECOFF Atlanta, Ga.	THE WINDSOR Jacksonville, Fla.
THE ABRAHAM LINCOLN Reading, Pa.	THE RUSSELL ERSKINE Huntsville, Ala.	THE STACY-TRENT Trenton, N. J.

POPULAR GOVERNMENT

VOLUME 2
NUMBER 2

PUBLISHED MONTHLY BY THE INSTITUTE OF GOVERNMENT

DECEMBER
1934

Elections in North Carolina

Some Suggested Changes in the Election Laws

THIS address was delivered by Major McLendon at the 1934 session of The Institute of Government held Thursday evening, November 15, at the Wake County Courthouse in Raleigh. Hon. W. C. Meekins, of Hendersonville, Chairman of the State Republican Executive Committee, followed the principal speaker in discussing further the conduct of elections in the State. His statement is now being prepared for publication and will appear in the January issue of Popular Government.

By MAJOR L. P. McLENDON
Chairman, State Board of Elections



FRIEND recently remarked to me that there is nothing comparable to a primary election except a horse race—spelling horse h-o-s-s! You must confess there is similarity between these two entertaining games of man! There is the same pride in the “home-town” you find in the “home-town” candidate. Consideration to be given the opposition. A scrub can’t win against a thoroughbred. Then the rider is no mean factor in the race. There are some riders of horses like campaign managers who have an uncanny way of picking a winner! Then the track has something to do with it. A good footing counts heavily so does a good platform. And finally, there is the temptation to put your money on your horse, and when a man invests his money he may be counted on to go down the line for his candidate just as resolutely as he does for his horse. I don’t know how a defeated horse feels, but I imagine that his feelings are not unlike those of a defeated candidate.

Maybe the analogy is a bit undignified and lacking in seriousness. I mention it to emphasize the fact that in a Democracy, such as ours, elections have always been and always will be full of human interest and attended by the folly induced by intense partizanship, community pride, group interests, and a good measure of demagoguery.

If you catch the subtle significance of what I am saying,

then we may lay down the proposition that no kind of election laws and no kind of administration of election laws will eliminate the similarity between an election and a “hoss” race! Rather, we may as well recognize the existence of these manifestations of intelligence and lack of intelligence and contemplate an election system which gives every horse a fair race, makes every rider ride fairly and “weigh in” accurately, and most important of all, guarantees that the real winner will get the blue ribbon!

In the discussion of our election laws, and their administration, I shall try to speak candidly. The very nature of the subject makes it necessary to make reference to political parties, but in keeping with the purpose and aims of The Institute of Government I feel sure that the spirit of this meeting is to face the facts, talk plainly and to be constructively critical.

I feel that I would be remiss in my duty if I did not make a public acknowledgment of the gratitude of the State Board of Elections, as well as our people generally, to the Institute, under the direction of Professor Coates, for the preparation and distribution of two election guide books. These books have been of great educational value and have served the purpose of stimulating public interest in the general subject of the election laws and the conduct of elections.

Let us consider first the primary election laws and the conditions which call for remedial legislation.

It is an amazing fact that a very large number of people in North Carolina seem to think that primary elections are not supposed to be conducted according to any law or rule. I have been greatly puzzled to discover a reason for this condition. I think it must be due, in part at least, to the fact that the Supreme Court in the case of Rowland vs. Board of Elections, 184 N. C., 78 (1922) held that the decision of the precinct officials on the eligibility of a person to vote was final and no appeal could be taken either to the Board of Canvassers or the Courts. That condition has been remedied by Statute and C. S. 5986 now provides that the County Board of Elections, acting as the canvassing board in both primary and general elections, "shall have the power and authority to judicially pass upon all facts relative to the election, and judicially determine and declare the result of the same." No doubt this feeling about primary elections is due also, in part, to the fact that the candidates are merely nominated and not elected.

Theory and practice of primary elections

The primary election law contemplates that the different political parties will nominate their candidates by a popular election held on the same day. In practice, however, only one party has consistently done so. The Republican Party has had primary elections for nominating county and district officers in only a few counties and districts and rarely has a primary for state offices. The result has been that year after year the democratic primaries have become more and more like general elections, in utter disregard of the express intent and direction of the law, for the reason that party affiliation of the voters has been ignored. This condition is grossly unfair and violates the fundamental theory of primary elections. It is unfair, first to the candidates, and secondly to both major political parties. Its effect on a great host of voters is utterly bad, because nearly always it involves deception, flagrant lying and the resulting loss of respect for the law itself.

A remedy for double voting

For some time this practice has been confined to inducing Republicans and Independents to vote in the Democratic primary, but this year we witnessed the amazing and unheard of spectacle of 1700 persons voting twice on the same day, once as Democrats in the Democratic primary and once as Republicans in the Republican primary! Such practices put to shame the old time manipulators of party convention days. I assume that no one thinks this condition ought to be allowed to continue. I suggest a remedy. Let the next General Assembly provide for a new registration prior to the next biennial primary. Let each party select its own precinct registrars and provide them with separate registration books. Require of each registrant, in addition to the constitutional eligibility requirement of residence and ability to read and write, that he or she declare their party affiliation and intention to vote that party's ticket in the General election. After the first primary under this plan, provide for a change of party affiliation by requiring the voter to attend before the Registrar in person, during the period of registration, to have his name taken off the books and a certificate issued to him to that effect, which, when presented to other party's registrar will entitle him to register on his

book. Make it a criminal offense to register or vote without complying with the act and for any registrar to register any voter except in the manner indicated. There will be a few people, of course, who will abuse even this regulation by participating in the primary in bad faith, but the number would be negligible compared to the number who are wrongfully participating in the primary under the present law. I believe the plan would go a long way toward preserving the party primary for the bona fide members of the political parties.

Obsolete registrations and unwieldy precincts

The next defect in our present law is equally apparent and baneful in general elections as in primaries. It results from the fact that the present law nowhere requires new registrations or limits the size of voting precincts. Authority to do both is given the County Board of Elections, but experience proves that local political influence exerted by party leaders is sufficient to prevent the use of the power. The result is very bad. In some counties there has been no new registration in thirty years, and in a large number the registration books are twenty and more years old. It may be suggested that the books can be purged. They can be, but they are not, for the same reasons that new registrations are not ordered. Hence, we find numerous names of persons long dead, of others who have moved out of the county and precinct and much confusion due to change of women's names by marriage. All this furnishes a fine opportunity for the manipulator of the absentee ballot (of which I shall speak later) and lends color to most any suggestion that illegal votes have been cast. This opportunity for fraud ought to be destroyed root and branch.

When it is remembered that the average voting day consists of only about 630 minutes it will be easily seen how impossible it is for an election to be conducted with any decorum, and especially under the Australian Ballot law, where the number of voters are more numerous than two per minute or about 1200. There are many precincts in the State in which from 1500 to 3000 votes are cast.

Remedies imperative

If the great mass of our people are to retain any respect for our election laws and our elections these conditions must be remedied. I fail to see how any one can offer a reasonable defense of either condition. I can see no earthly reason why the law should not require state-wide new registration in 1936, and every fifth biennial election thereafter. To cure the other defect the Statute might require precincts to be divided where the vote cast at any general election reaches 1200 to 1500, or it might be sufficient to confer upon the State Board of Elections the power to require the division of precincts either upon its own motion, or on petition by a representative number of electors, or by general rule applicable to the State as a whole.

Absenteeism—a widespread disease

In the public mind the worse defect in our present law relates to the absentee ballot. There is a wide-spread opinion that absentee voting ought to be abolished entirely. The disclosures in the primary elections of 1934 certainly did not do anything to popularize absentee voting. Indeed, some of the disclosures were shocking to every sense of honesty and fair dealing. It's a good thing the State Board of Health

(Continued on page twelve)



These Cars Help Regulate Greensboro's Traffic

Traffic Safety in Greensboro

By **GEORGE C. EICHHORN**
City Clerk, Greensboro

THE City of Greensboro has apparently solved two questions which are often asked when traffic problems are under discussion. The first is, will purely educational activities toward traffic safety bring about a reduction in a mounting toll of accidents? The answer is, no. This being the case as proven in Greensboro, the second and natural sequence is the question, What will? And it seems that this answer has also been found in our city.

During the year 1933 the City of Greensboro experienced seven traffic fatalities and entered the new year with the hope that such a number could be reduced. We argued that in this busy age, people did not have time to ponder on the problems of safety but that if they were reminded of its need and the disaster attendant upon the violation of its common rules that they would take heed for their own well-being and that of their neighbors. Therefore we undertook a systematic and comprehensive plan of education for traffic safety.

The traffic safety institute

At that time we believed that the most dangerous violation committed by our drivers was the entering of stop intersections without first coming to a stop as the law required. To call the driver's attention to the violation it was necessary that the law be enforced but we wanted the penalty to be secondary to the educational value of the experience. Therefore we created a Traffic Violations Bureau and cloaked it in the name of the Greensboro Traffic Safety Institute. It was separate from the Police Station and distinct from the Criminal Court. We did not want it to appear as handling criminal violations. In order that it might not be an undue

hardship upon those whose finances were restricted, the violators who were cited before the Bureau were only charged a fee of \$1.50 toward the expenses of the citation. It did not pay all of its expenses. We were hopeful that an experience of this sort would be a lesson to the driver who was arraigned for the violation and we gave him a receipt saying that he had matriculated in the Greensboro Traffic Safety Institute. Humorous of course, but we thought it would serve to deepen the recollection of the motorist.

In addition thereto we erected a series of billboards through the cooperation of filling stations in the City and displayed thereon a series of monthly posters calling attention to traffic hazards and their consequences.

We gained greater publicity through the cooperation of the newspapers and published a series of thirty safety cartoons.

In the public schools, safety posters were provided monthly in every class room, a safety movie was shown, contests were sponsored among the students with prize awards and a safety bulletin was prepared and distributed to every parent having a child in the schools.

An educational emphasis

Many people were summoned before the Greensboro Traffic Safety Institute for many violations; only the more serious violations of driving through a red light, speeding and drunken driving were sent to the Police Court. But our emphasis was educational and we hoped that the citizens of Greensboro would finally *learn* that we were trying to make our streets safe.

(Continued on page fifteen)

Everybody Wants the Highway Fund

By HENRY BRANDIS, JR.

Associate Director, The Institute of Government*



IN TO Raleigh next January will come one hundred and seventy men who compose the state legislature. Into Raleigh during the biennium 1935-37 will come some \$44,000,000 in state gasoline and automobile license taxes, there to meet some \$10,000,000 in such taxes unexpended in prior years. The 1935 legislature will thus have the power of disposal over \$54,000,000, more or less, obtained from the state's automobile owners. If the members were unanimous in their decisions, each man's vote would seal the fate of over \$317,000.

They will not be unanimous. The state, the cities, the counties and the taxpayers have each a wistful look and a longing eye; and the highway fund becomes the prize for a share in which each will struggle, mayhap bitterly, through the august halls of the next General Assembly. To sketch briefly the existing situation and the claims of the various contenders is the purpose of this article.

The amount of money available

In the first place, to gain an understanding of the situation, we must make an assumption as to the amount of highway revenues during the biennium for which the next legislature must make appropriations. It is impossible to do this exactly. Thus, for instance, while the 1933 legislature was in session, highway fund revenues for 1933-34 were estimated to be about \$16,500,000. They actually proved to be about \$22,000,000. Let us assume, however, that if the same rates of tax are retained, our annual highway revenue during 1935-37 will be approximately the same as it was during the last fiscal year—\$22,000,000.

Debt service a necessary expense

The next step is to examine the possible ways in which the legislature may spend this estimated current revenue. Only one thing in this respect is certain. A large slice of these revenues must be paid to the bondholders who financed our mammoth highway construction program in the last decade. Just as in that decade we reached the peak of our spending program, so now in this decade we are facing the peak of our repayment program. For this purpose alone slightly more than \$9,500,000 (almost \$3.00 for every resident of the state) will be required each year. Of this huge sum, approximately \$4,100,000 will be paid as interest and the remainder will go to reduce the principal of the debt.

The next items of expenditure to be considered, in logical order, are expenditures for the highway system itself. These fall into three main divisions: maintenance of highways, construction of highways and administrative expense.

Cost of maintaining our highways

Last year the state spent \$6,900,000 to maintain over 10,000 miles of state highways and about 47,000 miles of county highways. This means that, on state highways, it spent only one-third as much per mile as it spent in 1927-28 and slightly less than half as much as it averaged during the six years ending June 30, 1933, even though during the last two of those years, thanks to the fact that revenues fell below expectations, actual spending fell far below appropriations. As to county highways, it means that the state spent about 69 per cent as much per mile as the counties spent in 1929-30, and about 84 per cent as much per mile as the state averaged during the depression years 1931-33.

Officials of the state Highway and Public Works Commission estimate that it will take \$10,000,000 per year properly to maintain our present highway mileage. They say that they cannot longer maintain the highways on the present \$6,900,000 appropriation, even at the standard of maintenance obtaining last year, because of the rising costs of materials and labor; and that unless a larger appropriation is forthcoming the state's mammoth highway investment will suffer costly deterioration. It is even possible that the legislature will be asked to increase the appropriation for the current fiscal year.

Is their request for \$10,000,000 yearly unreasonable? That is one of the questions which the legislature must answer. It would give them only 18 per cent more per mile of highway than was spent, on the average, in the depression years 1931-33. Putting it another way, it would give them only approximately as much per mile of state highway as was averaged during the six years ending June 30, 1933, and only approximately as much per mile of county highways as was averaged from the time the state took over those highways on July 1, 1931, until June 30, 1933.

The construction situation

Last year the state spent but \$190,000 of its own funds for highway construction. Of course this is pitifully small compared to expenditures for the same purpose in prior years. It is but 3 per cent of the average spent from

*Condensed from a more comprehensive study bearing the same title. This longer study contains a more detailed treatment of the various claims being made for a share of the highway fund revenues, and also contains a number of tables showing, in detail, the statistics upon which the figures and percentages used in the above article are based. Mimeographed copies of this longer study may be obtained from The Institute of Government, Box 147, Raleigh, N. C., for 25 cents per copy.

state funds during the six years ending June 30, 1933, even though during the last two of those years an average of only \$445,000 was spent out of an average of \$4,800,000 appropriated.

The fact that the state was able to continue to build highways last year, while spending practically no money of its own for that purpose, is explained by the unparalleled situation with respect to Federal highway funds. Last year the Federal government paid or allotted \$9,500,000 to the State Highway and Public Works Commission to be spent on highway and street construction (about 25 per cent of the sum being spent on streets).

It was not necessary for the state to match one penny of these funds; but Washington has already signified that it will not continue to foot our highway construction bills single-handed. The last Federal Congress saw to that. Under its enactments, each year during the biennium 1935-37 North Carolina will be entitled to receive \$3,000,000 in construction funds, provided the state matches them dollar for dollar. Accordingly, our 1935 legislature must appropriate \$3,000,000 per year for construction or lose the benefit of this Federal appropriation.

The only remaining question is whether the state can wisely spend \$6,000,000 per year for construction. Applications for construction which would involve nearly \$50,000,000 are now on file with the Highway and Public Works Commission. The chairman of that commission thinks most of these applications involve legitimate projects. Thus, on the basis of a \$6,000,000 per year budget, it would take eight years to build the roads our citizens have already requested. We can count on the fact that other citizens will continue to come forward to request other roads. We can also count on the fact that some of our present roads must be substantially rebuilt. We can use that Federal money, and we must match it to get it.

The cost of administration

Last year the state spent \$492,000 for the administrative personnel of the Highway and Public Works Commission, for the Motor Vehicle Bureau and for the Highway Patrol. This is but 68 per cent of the average spent for the same purposes during the six years ending June 30, 1933. It means that the salaries of the employees of these agencies have been slashed by a thumping 38 per cent. Those employees, against the substantial background of millions of surplus in the highway fund, are demanding salary increases. The legislature may or may not hearken to these demands; but we can assume for present purposes that it could easily appropriate \$600,000 for these agencies.

So much for possible highway expenditures. On the basis of last year's experience, the prison system is substantially self-supporting, after crediting it with labor furnished and goods produced by it. Thus there probably need be no direct appropriation for prison maintenance. There is, however, another major factor in the state's financial position—the general fund. Into that fund go all the state's major sources of revenue except gasoline and motor vehicle license taxes; and out of it all state expenses except highway and prison expenses are paid.

Help for the general fund

Last year for the first time in a number of years, the general fund did not run a deficit. It finished the year

with a surplus of about \$75,000. That surplus is a thing to which a deficit-weary state may well point with pride; but unfortunately it does not mean that the sales tax, the income tax, the business license tax, the franchise tax, the inheritance tax and the other general fund revenues exceeded the amounts appropriated by the legislature. Those taxes did produce substantial revenues; but the state did not spend the full amounts appropriated by the legislature. Also, the state received a grant of \$500,000 from the Federal Government to aid in paying its school teachers. Finally, the 1933 legislature provided for a transfer of \$1,000,000 per year from the highway fund to the general fund. The figures demonstrate that all but \$75,000 of that transfer was needed to make the general fund break even.

The next legislature will be faced with demands for increased appropriations from the general fund—for schools, colleges, charitable and correctional institutions and general state administrative agencies. It will also be faced with the fact that Federal relief authorities, having already pointed publicly to North Carolina as one of the states not carrying their proper share of relief costs, are urging the state to assume a substantial portion of our tremendous relief burden. It will probably be urged to follow its predecessor and continue this yearly transfer of \$1,000,000, or to transfer a greater amount. This is, and will continue to be, one of the most controversial points at issue.

Special taxes for general purposes

There are many who feel that the gasoline and automobile taxes were fixed at high rates in order to finance an ambitious highway program; that they represent special taxes on a special class for benefits peculiar to that class; and that, therefore, the revenues from these taxes should be used for highway purposes only. Three main contentions have been advanced to meet these arguments. First, that necessity outweighs the equities of the motor vehicle users; second, that gasoline is exempted from the sales tax; and third, that motor vehicle users as a class are as able to pay taxes as the owners of any other type of property common in the state.

It is not the purpose of this article to decide what the legislature should do in this respect. It is hardly probable, however, that a legislature, faced by the major problems of schools and relief and by innumerable lesser problems, will transfer less than \$1,000,000 per year. It may be more. School leaders are already urging an annual school appropriation much larger than the present appropriation of \$16,000,000. The chief limitation on the amount which can be transferred is the limitation by threat contained in the last Federal Highway Act. That Act cancels one-third of the Federal allotment to any state which does not continue to spend, from its highway funds, as much for highway purposes as it was spending when the Act was passed. This means that from a potential annual highway revenue of \$22,000,000, the legislature could not divert more than \$5,300,000 or so to general purposes. It does nothing to prevent diversion of the highway surplus. Thus, for the

(Continued on page sixteen)

The 1934 Institute Sessions at Raleigh, November 15 and 16

THE 1934 sessions of The Institute of Government were held at Raleigh, beginning Thursday afternoon, November 15, and continuing through Friday evening, November 16, being featured by addresses by Major L. P. McLendon, Chairman of the State Board of Elections; Hon. W. C. Meekins, Chairman of the State Republican Executive Committee; Judge Florence Allen, of the United States Circuit Court of Appeals; Hon. William Stanley, Assistant Attorney-General of the United States, and Hon. A. D. MacLean, Assistant Solicitor-General of the United States. Citizens and officers from practically every county in the State attended the sessions.

Allen and Stanley speak

Judge Florence Allen's "The Thinking Man and the Thinking Woman Thinking in the Group" held spellbound the audience which packed the 120th Infantry Armory Friday evening. Her address dealt with the relation of the thinking men and women to their government and placed emphasis upon the part the citizen should play in the administration of justice through the courts. She stated, "I came here to address The Institute because you have here in your North Carolina Institute of Government the thinking man and the thinking woman thinking in the group concerning the problems of their government."

Following Judge Allen, Hon. A. D. MacLean presented Hon. William Stanley, who ably presented the Federal criminal law enforcement program in his address. "Co-ordination of State and Local Federal Agencies in the Repression of Crime." Assistant Attorney-General Stanley declared. "Every crime, Federal statutes aside, is, of course, an intrastate act, but the criminal himself, in all major crimes at once manages to become an inter-state problem. Crime knows no state borders.

"All I care to do here is again to assert my conviction that no academic theories of states rights or rigid Federalism should keep us from at least trying to meet a state and federal situation which is so exigent and all-important as this one of crime. It may be that here, as in so many of our national problems of today, time and circumstances are compelling us to adjust ourselves to something of a new and better federalism."

McLendon and Meekins on elections

On Thursday evening The Institute, in carrying out its policy of bringing together representatives of all parties and factions to discuss controversial political and govern-

mental matters, presented Major McLendon, who discussed the present-day conduct of primaries and elections in North Carolina and suggested certain changes in the law to remedy defects in our election laws. As Major McLendon represented the dominant political party, Chairman W. C. Meekins continued the discussion from the viewpoint of his, the Republican, party with comments upon "the rule of the absent and dead" in recent elections. Major McLendon's address is carried in this issue, and Chairman Meekins' remarks will appear in the next issue of this magazine. The discussions by the principal speakers and the open forum following were marked by their frankness

and the willingness of all concerned to work in harmony toward the elimination of evils now current in the conduct of elections.

Police school

On Thursday the sessions were opened with a one-day "school for enforcement officers," conducted with the assistance of the Division of Investigation of the United States Department of Justice. This was the third annual, state-wide school for enforcement

officers held by The Institute. H. H. Clegg, of the Division of Investigation, brought to the officers a personal message of congratulation and encouragement from Director J. Edgar Hoover in declaring this State to be the first to bring together in the interest of unified and coördinated effort to control crime federal, state, county, township, and city officers. Mr. Clegg explained in detail the organization, mechanics and facilities of the Division, including the training of the personnel, and laid emphasis upon numerous fingerprint and scientific crime detection services which the Division is in a position to render local officers.

The Division set up for display purposes an elaborate exhibit of modern weapons and aids—machine guns, tear-gas and sick-gas bombs, parachute flare shells, bullet-proof clothing and shields, and fingerprinting equipment. Their purposes and uses were explained by Special Agent Osborne. Semi-technical pamphlets (covering twenty different topics) and simple fingerprinting equipment were distributed without charge to the officers present. Friday the officers studied methods of traffic control and the prevention of accidents by street and highway safety programs. A resolution was passed recommending that during the coming year, efforts be made to hold district schools for enforcement officers at different points in the state so that all officers may have the opportunity of attending these schools.

(Continued on page eighteen)

Speakers at 1934 Sessions



JUDGE FLORENCE E. ALLEN, of Ohio, first woman judge of the United States Circuit Court of Appeals.

HON. WILLIAM STANLEY, Assistant to the Attorney General of the United States.

ANGUS DHU MACLEAN, Assistant Solicitor General of the United States.

A Courthouse Talks

By RICHARD DILLARD DIXON

Clerk of the Superior Court, Chowan County

IN Edenton, where the State began, Chowan courthouse has stood for 167 years and is the oldest in North Carolina. Famous for its pure Colonial design and lines, this old building still excites the admiration of the modern architect.

To stand and gaze at this ancient edifice, the mind instinctively pauses to reflect upon the many changes that this building has witnessed in the making of our Commonwealth and—but we will let this old landmark tell its own story:

"I was born in 1767 and came into being as the result of a Virginia jibe. Many years prior to my birth Colonel William Byrd of 'Westover' had visited my town and, returning home, had written of the Court House he saw here as having much the appearance of a common tobacco barn. A common tobacco barn! My proud Edentonians told me later they could not stand that and that they then and there determined that something must be done about it and they would erect a courthouse that would surpass anything the Williamsburgers ever did in this line.

Committee appointed

"So in 1767 the General Assembly appointed Cullen Pollock, Joseph Hewes, Thomas Nash, Edward Vail and William Lowther on my building committee and, supplementing the tax levy for my erection, the entire citizenship gave freely of its material and labor. From the edge of Mr. Pollock's swamp came the six huge pines, solid light-wood, from which my interior columns were hewn; from Parson Earl's great woods at Bandon came my joists, two feet square, laboriously drawn the 15 miles on ox wagons with solid wooden wheels. Mr. Hewes sent skilled craftsmen from his ship-yard to fashion the dental blocks for my cornices and to carve the paneling for my upper floor. From my mother country came the bricks for my walls, even now attested by a freight receipt in the Museum in Mr. Corbin's house here, and metal workers wrought by hand the spikes and locks.

"After twelve months of labor I stood completed and how well my builders accepted the challenge of Colonel Byrd is best told by the thousands who now visit me each year and who say that both in size, in the beauty of my architectural symmetry and in my natural setting I far surpass my compatriot built three years later and now standing on Duke of Gloucester street in Williamsburg.

"A sketch of my life reads like a panoramic view of the life of North Carolina: the hardships of the early Colony, the struggles of Revolution, Civil War and Reconstruction; all finally unfolding into the commonwealth that is the Old North State of today. Through six conflicts the call to arms has been heard within my walls; I recall the inauguration of every president; governors from the time of Josiah Martin have spoken from my rostrum; princes and presidents have danced on my floors, and the most illustrious lawyers of the State have pleaded their causes before my bar.

"Untold thousands of feet have worn deeply into my stone threshold, some of them murderers led reluctantly from the judge's sentence to their doom on the nearby gallows; some of them young lawyers, rushing confidently in to receive their licenses; the indigent poor tottering in through the long years to receive their dole; some of them happy young couples, in the spring of their lives, rushing to get their marriage permits and to have the ceremony performed by some venerable magistrate in my court room. Many humorous tales have been told of events transpiring within my walls. There is the story of the dashing young lawyer, who, slightly under the influence of egg-nog, ascended my stairs on his horse and threw consternation into the Christmas party going on in the panelled room on the second floor.

The judge's problem

"I recall on one occasion a well-known judge from the mountain section was holding a term of court here. It was June and through my open doors the judge could see two large sailing vessels upon Edenton Bay. One, all sails set to the wind, was coming into the harbor. The other, close-hauled and outward bound, was tacking against the southern breeze attempting to reach Albermarle sound beyond. Watching such a phenomenon, the old jurist could restrain his curiosity no longer. 'Mr. Sheriff,' said he, 'Adjourn Court. I see two ships out yonder. One is sailing with the wind and the other seems to be making progress against it. Someone will have to explain this to me before I can give further consideration to the case at bar.' An old salt in the audience was then called upon to enlighten the land-lubber jurist on the mysteries of sailing craft and the court then resumed its business.

"The old documents filed in my vaults testify to the many changes in court procedure that have taken place during my long life. I recall the weighty manner in which a deed or mortgage was offered for probate and registration. The only court in the old days was the Court of Pleas and Quarter Sessions, held in Edenton four times a year, presided over by the Chief Justice, associated with him being all the magistrates of the county. The Chief Justice, in flowing black gown and white wig, would mount the stiff-backed seat and around him would sit his associates. No deed or mortgage could be probated and recorded until this court sat, went through a long examination of the document, heard sworn testimony of the witnesses to the transaction, and questioned the parties thereto. If the instrument was found in order, and in compliance with his Majesty's statutes in such cases made and provided, the paper-writing was with deep solemnity ordered to be spread upon the records.

Ancient restrictions

"Cumbersome and drastic restrictions were thrown around various businesses of that day, as other records in my files will

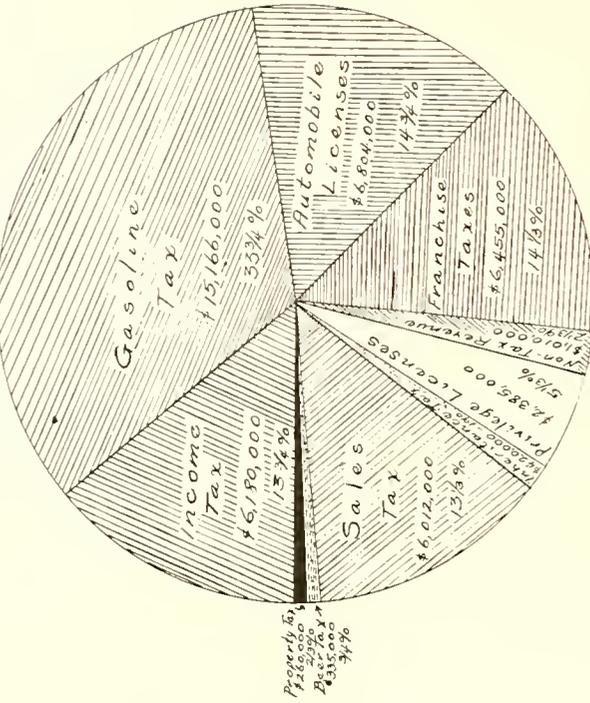
(Continued on page nineteen)

THE Chowan County Courthouse at Edenton, the subject of our cover picture, is one of the most beautiful examples of Colonial architecture in the South. Mr. Dixon lets the historic building tell its own interesting story.

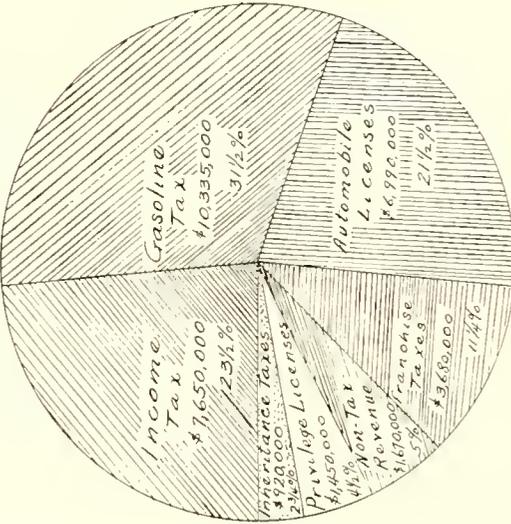
STATE TAXES - THEIR SOURCES AND DISTRIBUTION.

- REVENUES -

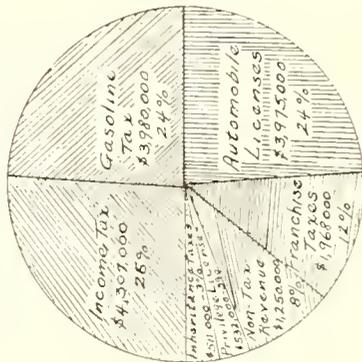
1934 - Total - \$45,000,000



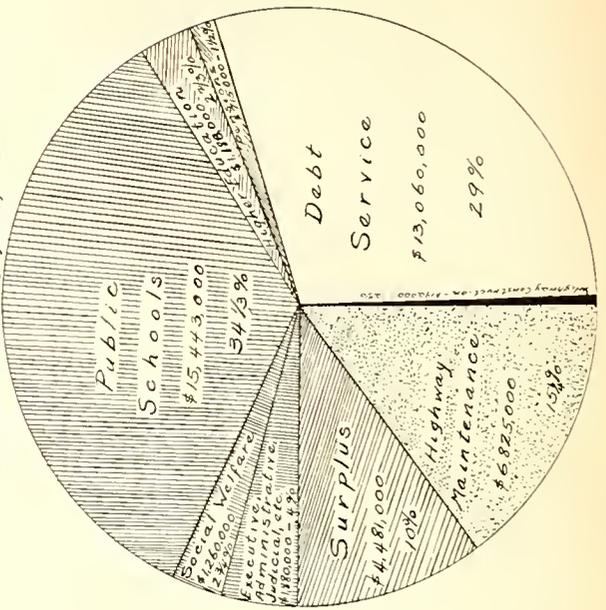
1929 - Total - \$32,700,000



1924 - Total - \$16,500,000

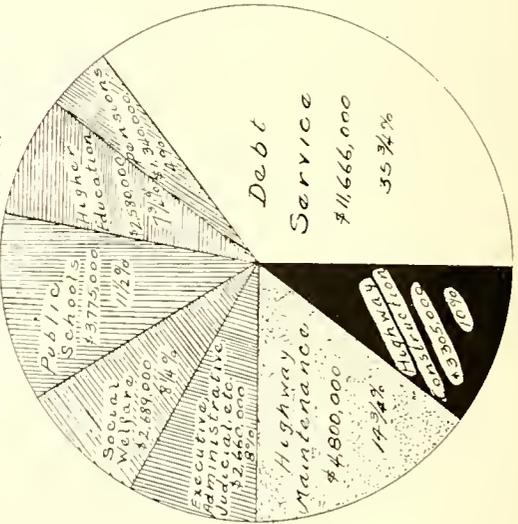


1934 - Total - \$45,000,000

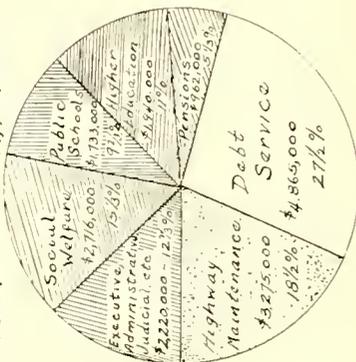


- EXPENDITURES -

1929 - Total - \$32,817,000



1924 - Total - \$17,700,000



Sources: Reports of Budget Bureau and Tax Commission

State Taxes Come and Go

By T. N. GRICE

Associate Director, The Institute of Government

TAXES like the poor are always with us. We all know what taxes are, but few of us ever stop to consider why they are necessary or for what purposes they are used. Let's take a few minutes off to see where our State gets its money and for what purposes it is spent. We'll just look at the normal operations, and not bother ourselves with bond issues and money received from the Federal government.

For the sake of a better understanding let's go back for a few years. On the opposite page we have "pie Charts" showing the sources of revenue and the classes of expenditures for the years ending June 30, 1924, 1929 and 1934. In the light of present day problems, 1924 offered few very serious problems. We had, comparatively speaking, just begun our state highway program, and state support of schools through the equalization fund was but 9% per cent of our total expenditures. We see from our chart that total current revenues amounted to \$16,500,000 of which \$4,307,000 or 26 per cent came from income taxes. Gasoline and automobile license taxes, even in the good old days, provided us with 48 per cent of our total revenues, while franchise and inheritance taxes, privilege licenses and non-tax revenue rounded out our total.

Now let's look at the expenditures—in 1924 we spent 12% per cent or \$2,220,000 for administration. This includes legislative and judicial expenses as well as such things as highway patrol, home guard, printing and office supplies. In that year the state expended \$2,716,000, or 15% per cent of all expenditures, on social welfare, including health, charity, hospitals, correctional institutions and prisons. As previously mentioned, 9% per cent of our total expenditures, or \$1,733,000 went for public schools, while another 11 per cent, or \$1,940,000, was spent on higher educational institutions. Pensions paid by the state took 5% per cent, amounting to \$962,000. Now we come to a little expenditure which we will see grow into quite a sizable item—debt service. The 65 millions of highway bonds issued prior to 1924 were even at that date beginning to take the lion's share of tax money, and we find \$4,865,000, or 27% per cent of all expenditures, going to pay interest and to provide for the retirement of our bonded indebtedness. The balance of \$3,275,000, or 18% per cent of total expenditures, went into maintaining our state highways. Thus, in 1924 we spent some \$1,200,000 more than our income—a habit we acquired and have found difficult to break.

So much for 1924, let's look at the picture for 1929—five years later. The budget has almost doubled, rising to 32% millions from 16% millions. We find that gasoline tax has taken the lead over income tax in producing revenue, the state receiving 31% per cent, or \$10,335,000, of its total revenue from this source, while income taxes produce \$7,650,000 or 23% per cent. Automobile license taxes remain in third place with \$6,990,000 or 21% per cent of the total. Thus, we see that in 1929 about 53 per cent of the state's revenue comes from the automobile owner. The other sources of revenue remain in about the same order as in 1924, with franchise taxes bringing in \$3,680,000 or 11% per cent, non-tax revenue \$1,670,000 or 5 per cent, privilege licenses \$1,450,000 or 4% per cent and inheritance taxes \$920,000 or 2% per cent.

Turning to expenditures we find that executive, judicial and administrative expenses have increased in amount from \$2,220,000 to \$2,660,000, but represent 8 per cent of the total instead of 12% per cent as in 1924. Social welfare remains about the same total—\$2,689,000, or 8% per cent of the total rather than 15% per cent. State support of schools begins to mount, totaling \$3,775,000, or 11% per cent of the total in 1929, against \$1,733,000 five

years previous. Higher education drops from 11 per cent in 1924 to 7% per cent in 1929, but increases some \$600,000 over the amount spent in 1924. Pensions paid by the state amount to \$1,340,000, or 4 per cent of the total, an increase of some \$380,000 over the amount paid in 1924. Now we find our pet—debt service—continuing to take the lion's share of governmental cost, mounting to \$11,666,000 or 35% per cent of our total expenditures. As most of us know, our highways were built chiefly from monies gained from bond issues and Federal donations, however, in 1929 we spent 10 per cent of our total expenditures, or \$3,305,000, on the construction of highways; while 14% per cent, or \$4,800,000, went into maintaining our 7,300 miles of state highways.

Now let's take a look at the same picture as of June 30, 1934—five years later. Once again we see a growth—not so much as in the previous five year period, but still from 32 odd millions to 45 odd millions of dollars. The complexion of our picture also changes. Gasoline tax remains in the lead with \$15,166,000 or 33% per cent of the total—an increase of about 5 millions of dollars over 1929. Automobile licenses displace income taxes for second place with \$6,804,000 or 14% per cent of the total. Franchise taxes take third place by producing \$6,455,000 or 14% per cent of our total revenue. Then comes our old friend the income tax—he has lost some of his importance, netting \$6,180,000 or 13% per cent of the total—poor fellow! Just think, ten years ago he was the leading man. My! how times have changed. What's this? A new piece of pie! There it is—our 1934 model sales tax. It races into fifth place with \$6,012,000 or 13% per cent of our total—not so bad for a new comer to the race, handicapped by a month's delay in starting. Next we find privilege licenses bringing in \$2,385,000 or 5% per cent of the total.

Non tax revenues account for \$1,010,000 or 2% per cent this year, while inheritance taxes total \$420,000 or one per cent of the total revenues. Another new tax—beer—brings home the bacon to the tune of \$335,000, and lastly, we find delayed collections on the old state property tax pouring \$260,000 in our depleted coffers.

So much for 1934 revenues. Turning to expenditures we also find some changes. The axe has swung heavily and we find that the total amount expended for executive, judicial and administrative expenses is only 4 per cent of the total, or \$1,880,000, against 8 per cent, or \$2,660,000, in 1929. Social welfare cost \$1,260,000, or 2% per cent, against \$2,689,000 five years previous. Ah! here is the little school boy—my, how he grows—a college man now and taking \$15,443,000 or over 34 per cent of the total—almost five times the state money he required five years ago. Higher education is somewhat lower, requiring but \$1,188,000 or 2% per cent of the total expenditures this year—less than half the amount spent in 1929. Again we see the great open space representing debt service—\$13,060,000 or 29 per cent of the total this year. Call around in 1952, we'll have him licked by then. Next we have highway construction—\$190,000 or one half of one per cent. This amount was spent on making surveys of projects financed by the great father in Washington. Highway maintenance takes a \$6,825,000 slice of our pie—15% per cent. This is \$2,000,000 more than was required in 1929, but we must spread it over nearly eight times as much highway. Lastly, we come to a piece of the pie that is indeed a choice morsel—SURPLUS (approximately \$4,481,000 or 10 per cent of our total revenue). Glad to see you, Pal. It has been a long time since any of your kind has been around. You are one of the major reasons why a hang-over deficit of some \$12,000,000 was funded a short time ago at a 3.76 per cent interest rate—the lowest in the history of the state.

Courthouse Chaff

AS we go from one office to another throughout the State, here and there we stumble upon random comments and courthouse stories, spiced with homespun wit or pointed with rough-hewn philosophy. Perhaps others will enjoy these as we have, bearing in mind that the truth of the matter ought never be allowed to interfere with a good story.

In one of our larger cities the Sheriff had been discussing an important matter with an out-of-town lawyer. As they left the courthouse they found that a parking ticket had been placed upon the lawyer's car. The lawyer, very much embarrassed, remarked that he would go to the Police Office immediately to take care of this. The Sheriff assumed a very judicial air as he remarked, "Don't worry about it. I'll see what can be done about it during the lunch hour." Very much relieved, the lawyer thanking him, added, "But Sheriff, I thought city parking was a police matter." For a moment the Sheriff hesitated, then let drop this worthy comment upon overlapping police powers, "Well, you see the Chief and I exercise joint jurisdiction in courthouse parking matters—the police put out the parking tickets and we tear them up."

* * *

A good suggestion

In one of the best Police Departments in the state, one of the officers who does a large part of the police radio broadcasting has a slow, deliberate and unmistakable drawl. Recently, those who happened to be tuned in on the police short-wave band were surprised to hear, in this same well-known voice, the following announcement to patrol cars.

"Cawling cah numbah seb'n. . . . Cawling cah numbah seb'n. . . . Go to t'other side of the bridge and get drunk . . . get drunk. That is awl."

* * *

"Inventory"

Some years ago, it seems, a new deputy sheriff was sent on his first assignment as an enforcement officer. He went to a small cottage to lay off a widow's year's support. Two hours later he had not returned. The Sheriff waited another hour before sending another deputy for him. When the deputy arrived, he found the deputy asleep on a lounge in the living-room. On a table in the center of the room was a sheet of paper headed "Inventory." The first three lines were written quite clearly:

"One center table with four chairs.
One lounge.
One side-board, containing . . ."

Here there was an ink-blot. The phrase first written had been stricken out; another phrase had been written under-

neath and it, also, had been stricken out; the third phrase substituted was in a wavering hand. Apparently, the first phrase had been "One quart of wine," but this had been stricken and the deputy had substituted "One quart of good, old wine." However, this latter entry had been stricken also, and this entry made, "Some wine in a bottle." Underneath this last entry there was a wide space and written in a wavering, scribble were these words:

"One revolving carpet."

* * *

A Clerk's duty

One of the Clerks of the Superior Court had been discussing the numerous duties and obligations imposed upon the Clerk by our statutes. As he had noted the dozens of amercements and penalties to which the Clerk is liable, he looked up, gave a long sigh, and with a twinkle in his eye remarked, very soberly, "We need a new statute in North Carolina. As soon as a new Clerk comes into office the law ought to require him to conduct an inquest into his own sanity." He paused, then added, "And the fact that he voluntarily offered himself for election raises a powerful presumption against his sanity."

* * *

Not far wrong at that

In one of the western counties several years ago an elderly, but inexperienced deputy sheriff laid before a learned judge of the old school, a process which he had vainly sought to serve. "Judge," he said, "I have missed this rascal several times. Now he's gone to Tennessee and I don't reckon he'll come back at all. What must I do with this paper?" The judge, justly proud of his ability to use correctly the proper phrases in law Latin, answered, "Why, Mr. Sheriff, I'd make the return *non est vent.*" The deputy looked up suddenly, doubt written plainly in his expression, cleared his throat as if to say something but decided not to speak, bent over and scribbled something upon the back of the process, and laid it upon the Clerk's desk. Written plainly upon the paper was this return, "He has went."

* * *

A good trade

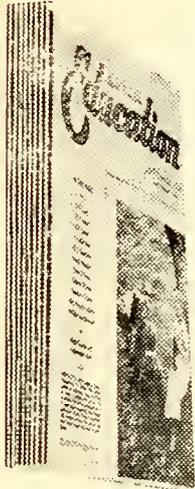
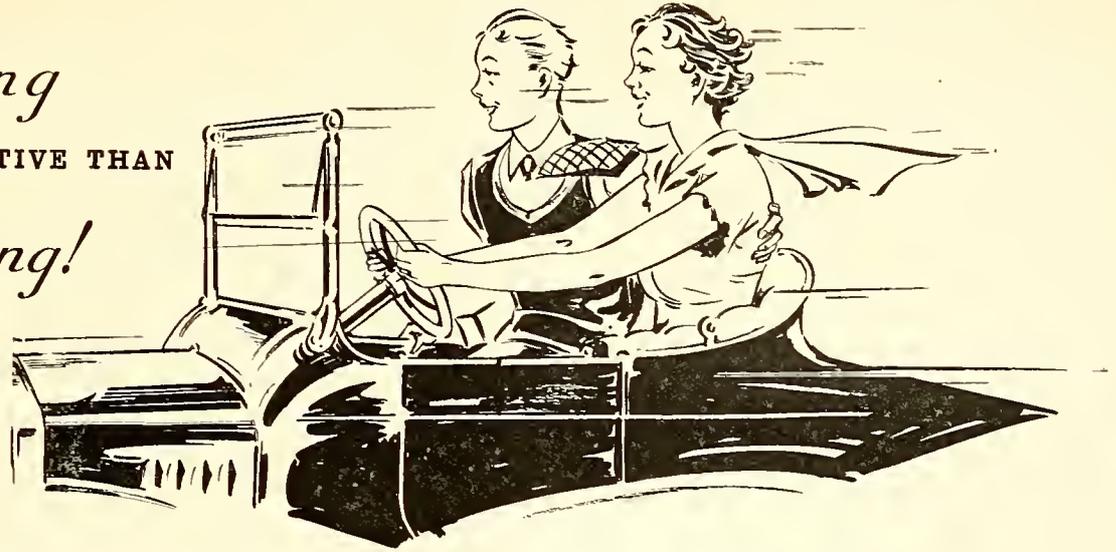
From one of our western counties where fox hunting seems to be some sort of malignant disease, comes this tale.

(Continued on page nineteen)

Directing

IS MORE EFFECTIVE THAN

Restricting!



● REARING A CHILD today is a much more hazardous undertaking than it was when our parents trained us. There are many more temptations, more diversions, more pit-falls.

Can we permit our children to do the many things the crowd does without subjecting them to dangers that make us tremble for them? If we put our foot down and say no, will the rebellious spirit resulting be worse for the child than the dan-

gers they run into? Is old Dr. Hickory still the best physician?

These questions as well as dozens of others confront you today as never before. They demand answers.

Yet, complex as child rearing is today as compared with yesterday, we modern parents should be able to do a better job of training our children than is often the case, because we have scientific information available now.

NORTH CAROLINA EDUCATION—THE MAGAZINE of SCHOOL INTERPRETATION

Much of this information is being printed in NORTH CAROLINA EDUCATION each month. This is a new magazine of school interpretation and child training. The first issue was published in September, 1934.

The articles in this new magazine will be contributed by the leading writers in

this field in the State and Nation.

It will help you understand your school and your child better. It will give both the viewpoint of the parent and the teacher—the two most important factors in the life of any child. In addition, it will give you a brief monthly summary of what happens in

your State that affects education and childhood.

A sample copy of the September issue will be sent you on request. The subscription price is \$1.50 a year. It comes for less money if you buy either one or all of the three popular books about children listed on the coupon.

USE THIS ORDER BLANK

Date..... Popular Government 12-34

NORTH CAROLINA EDUCATION
DRAWER 274: RALEIGH, NORTH CAROLINA.

Inclosed herewith is \$..... for one years subscription to NORTH CAROLINA EDUCATION and the books checked below.

The Modern Parent by Garry Myers.
 Newer Ways With Children by M. V. O'Shea.
 Building Personality In Children by Garry Myers.

Here is the combination offer:

1 year's subscription to NORTH CAROLINA EDUCATION and one book.....	\$1.75
1 year's subscription to NORTH CAROLINA EDUCATION and two books.....	2.65
1 year's subscription to NORTH CAROLINA EDUCATION and three books.....	3.50

In accepting this offer it is my understanding that NORTH CAROLINA EDUCATION and the books, regularly selling for \$1.00 each, plus carrying charges, will be shipped in accordance with the above rates. NORTH CAROLINA EDUCATION is to be mailed for one school year, nine issues, to the address given below.

Name

Street and Number.....

State

North Carolina
Education
 is published monthly except June, July, and August by The North Carolina Education Association.

**Just \$1.50 Per Year
 Subscribe Today!
 MAIL THE COUPON**

ELECTIONS IN NORTH CAROLINA

(Continued from page two)

did not take a health census on June 4th, for if it had the State would have been depopulated within sixty days because all of us would have been convinced that a terrible pestilence had visited our hitherto healthy State! This new disease of absenteeism seems to be just as fatal in the hills and mountains where people never get sick, except from snake bite and extreme old age, as it is down east where the negroes have the "miseries" and white people have malaria! When from 10 to 50 per cent of the entire vote in a large number of precincts is cast by the sick and the necessarily absent you wonder if the time might not soon come when no one would vote in person. Hundreds of absentee certificates filled out by justices of the peace who never saw the voters to administer to them the oath, and the wholesale and indiscriminate delivery of absentee ballots and certificates to so-called agents of the voters—to mention these things is enough to demonstrate that there is "something rotten in Denmark." I don't believe the people of North Carolina want these conditions to continue until another election.

Soundness of a limited absentee ballot

But as bad and as nauseating as these disclosures have been, we should not lose our heads and go to the extreme of abolishing all absentee voting, if the principle is sound and provided it can be safe-guarded against abuse and fraud. Fundamentally it is a duty of citizens to go to the polls and vote and this duty is a non-delegable one. The right to vote is likewise a fundamental privilege accorded all citizens who

can meet the test of eligibility, and this right ought to be safeguarded against every conceivable interference or violation. We can deduce from this statement of fundamentals that there is no occasion for absentee voting except first, in those cases where the citizen is actively performing services to the government which make it inconvenient to the government that he leave his post of duty to attend the polling place, and second, where the citizen is really a prisoner because of illness. The first class includes soldiers and sailors, State and Federal government officials and employees, including school teachers, and none other. The second class includes people who are entitled to vote, who want to vote, but because of illness cannot do so by personally attending the voting place because of real illness, and none other. I don't believe there is a particle of justification for extending the absentee ballot to travelling salesmen, and anybody and everybody who may find it preferable or for business reasons necessary to be absent from the county on election day. There is one class of people for whom I would like to make an exception—railroad employees—but even as to them I think it better that they be disfranchised, if that is what it means, than to open the door to those who are absentees for business reasons. If a citizen regards his personal business affairs of more importance than his duty to vote I doubt if he ought to have a voice in government at the ballot box. My language may sound harsh, but I believe you will agree with me that it is fundamentally sound as applied to our scheme of government.

Specific limitations upon the absentee ballot

First then, we should limit the privilege of absentee voting to the two classes indicated. Second, the absent voter, because of this greater privilege accorded him, should be required to apply for his ballot within the period of registration, thus avoiding the last hour surprise voting so prevalent now. Only in cases of illness occurring after the close of the registration period ought any exception be made to this rule. As to the first class they should furnish as a part of their application a sworn statement of their official status and eligibility to vote. The second class should furnish in every case as a part of the application a certificate of a physician or an official of the hospital or institution in which they are confined. It may be suggested that a great many poor people don't have physicians, and I grant the suggestion to be true, but if you let down the bars here you open the door again to the abuses which have manifested themselves under the present law. I have given much thought to this problem and while I fully realize that my suggestion is rather drastic,

Massachusetts Mutual
a synonym for
Quality and Excellence
in
Life Insurance
and
Annuities



ALVIN T. HAIEY

General Agent

Jefferson Bldg.

Greensboro, N. C.

MASSACHUSETTS MUTUAL LIFE
INSURANCE COMPANY

Organized 1851

EXCELLENT OPENINGS for men and women in all sections of North Carolina to act as sales representatives for this fine, old company. We train you. Inquiries invited. Address: Box 929, Greensboro, N. C.

Eases Aches and Pains due to functional disturbances

CAPUDINE is compounded of several ingredients which act together to give greater relief from pain due to Headache, Neuralgia, Muscular Aches and Joint Aches, also from fresh Head Colds and tends to reduce Feverishness. Use liquid or modified formula tablets.

*Continued Pain Upsets Nerves
Stop the Pain With*

CAPUDINE

and, if adopted, would disfranchise some people, still I am convinced that it is better to disfranchise a few than to retain a system which so easily lends itself to wholesale fraud, and if permitted to continue will eventually bring about a loss of faith in government itself. As between retaining the present system and abolishing absentee voting entirely, I would cast my ballot for abolition.

Appointment of election officials

Next, I call attention to a problem to which I have given much thought, but am compelled to confess I am unable to suggest much improvement of the present law. I refer to the method of appointing the County Boards of Election and the appointment of the precinct officials. The present system is that the State Chairmen of the two major political parties are given the privilege of recommending—the Democratic Chairmen two members of each County Board and the Republican Chairman one member. In practice the State Chairman gets his recommendations from the County Chairman, though the law does not require this. When these recommendations are made on time the State Board of elections *must* appoint from those recommended, except for justifiable cause. The instances in which the State Board has failed to follow the recommendations have been rare. Sometimes unseemly situations arise. For instance, a County Chairman becomes a candidate in the primary and immediately his opponents charge that he, in reality, names a majority of the County Board and then under the law names a majority of the officials in each precinct. This condition can be and ought to be remedied by the political parties. Elections ought to be above even suspicion. I fear the recommendations are not always made with care and that very little effort is made to get men to serve in these important positions who are always qualified to perform the important duties of the office. It has been my observation that where you have a real intelligent and upright County Board of Elections you rarely hear complaint about the conduct of the election. It seems to me that each of the parties ought to take this responsibility more seriously and try to build up respect for its contribution to this all important governmental function. In this connection there has been much complaint about the small compensation of \$2.00 per day paid to the precinct officials. The office is important and should be a dignified one, and perhaps a larger per diem would help.

Investigation of disputes by state board

There is one other matter about which I speak with some reluctance, because some one will probably say that I am running true to form. Once a man gets in an official position he usually begins to enlarge his duties and prerogatives. However, my promise of frankness compels me to go ahead. It is rather apparent that the very nature of an election contest, or even an investigation into the conduct of an election official renders it very difficult for our courts to handle in the first instance. The right to resort to the courts ought to be preserved at all cost, but would it not be wise to enlarge the powers of the State Board of Elections and make it clear that it has the right upon proper application and under reasonable rules of procedure to hear these matters, find the facts and declare the result, with the right of appeal to the courts analogous to appeals from the Utilities Commission, the facts found being conclusive on the parties if supported by any competent evidence? It has been suggested that such

an amendment to the law would encourage numerous investigations and contests, but I take it that the parties could be required to give bond for costs as in any other litigation, and I think it may be assumed that frivolous complaints would not be entertained if one rule of procedure required that the complaint must make out a prima facie case by affidavit before his complaint will be entertained. The last legislature greatly strengthened the law in this respect, but it is still indefinite and uncertain. In this connection, it might also be advisable to make it the duty of the State Board of Elections to cause criminal warrants to issue for the arrest and prosecution of all persons found by it in such investigation to have violated criminal provisions of the election law. The present law simply requires the State Board to report violations to the Solicitor or prosecuting officer. My principal reason for these suggestions is that, if we are to have election laws designed to protect the citizen in his right of suffrage, we ought also to have an efficient and prompt means to avenge those laws when they are violated. The very fact that the power existed and could be brought into play promptly would probably have a salutary effect. The present State Board of Elections has really tried to use such power as it possesses, under the law, to bring about a better observance of the law and to demonstrate to the people of the State that its authority is going to be exerted in behalf of clean elections.

The power of the people

After all, the people usually get what they really want. If the people of North Carolina want clean and honest elections they can get them. Public sentiment is the most powerful

U. S. Government Bonds State of North Carolina Bonds Municipal Bonds All Listed and Unlisted Securities

We always have a wide selection of bonds to supply the needs of investors—large or small. Markets will also be promptly furnished for bonds you wish to sell.

State of North Carolina Bonds

(All Issues)

Bonds Due from 1935 to 1968

(3½%, 4%, 4¼%, 4½%, 4¾%, 5%)

Interest Rates

Your inquiry by telephone, telegraph or letter will receive prompt, personal attention.

KIRCHOFER & ARNOLD, INC.

SECURITIES FOR INVESTMENT

SECURITY BANK BLDG.
RALEIGH, N. C.
Telephones 465-6

PLANTERS NATIONAL BANK BLDG
ROCKY MT., N. C.
Telephone 476

Direct Wire to Correspondent

PASK & WALBRIDGE

One Wall Street

Members New York Stock Exchange
Members New York Curb Exchange

New York City

AMERICAN TRUST COMPANY

CHARLOTTE, N. C.

STATEMENT OF OCTOBER 17, 1934

(Condensed from report to North Carolina Commissioner of Banks and Federal Reserve Bank, Richmond, Virginia)

Resources

Cash in vault, on deposit in Federal Reserve Bank and due from banks	\$14,391,378.69	
United States Treasury Notes, Liberty Bonds	9,964,892.05	
Home Owners' Loan Corporation Bonds, Federal Land Bank Bonds, Federal Intermediate Credit Bank Collateral Trust Debentures, and Listed Bonds..	1,493,793.73	
State of North Carolina Bonds, and Municipal Bonds and Notes	4,030,985.99	
Other State of North Carolina bonds in escrow for exemption of common stock from assessment	612,394.51	
Loans eligible for rediscount by Federal Reserve Bank	3,076,788.85	
Loans secured by listed stocks and bonds	1,930,485.23	
Accrued Interest on Bonds	103,156.98	\$35,603,876.03
Other high grade, well secured loans to banks, firms, corporations and individuals	3,820,258.13	
Cash surrender value life insurance policies carried on the officers of the bank	39,302.50	
Stock Federal Reserve Bank, Richmond, Va., and other stocks and bonds	113,797.95	
Customers' Liability under Letters of Credit	237,773.59	
Customers' Liability on Acceptances	115,908.27	
Banking House, Furniture and Fixtures	\$ 327,354.03	
Property adjoining present banking quarters purchased for expansion	143,901.33	
Reserve for Depreciation	\$ 471,255.41 89,773.91	381,481.50
Payment to Temporary Federal Deposit Insurance Fund (\$8,585.48) Carried at		1.00
Other Real Estate (The recent appraised value of which is \$191,233.82 and the assessed value of which is \$148,964.82)		
		\$40,312,399.97

Liabilities

Capital Stock		\$ 1,200,000.00
Surplus	\$ 800,000.00	
Undivided Profits	361,416.88	1,161,416.88
Reserve for Unearned Interest..	\$ 61,671.06	
Reserve for Premium on Bonds, Taxes and Contingencies	228,194.57	289,865.63
Letters of Credit Outstanding... Domestic and Foreign Acceptances		237,773.59
		115,908.27
DEPOSITS		37,307,435.60
		\$40,312,399.97

The American Trust Company is the largest unit bank (we have no branches) in the United States in any city with a population of one hundred thousand or less, both in deposits and in resources. Charlotte, North Carolina, the home of the American Trust Company, has a population of eighty-three thousand.

Member Federal Reserve System

weapon of a democracy, and public sentiment must be built upon publicity and information. Meetings of this sort are valuable because they afford an opportunity for an exchange of views and this exchange of views will inevitably lead to a more crystallized public opinion on at least some of the things discussed here. The right of suffrage is such an important right of citizenship everyone ought to feel a real patriotic interest in its preservation and protection, and this interest ought to transcend our interest in political parties. I am a Democrat, but I do not hesitate to say, because the Democratic Party is the majority party in North Carolina, and is responsible for our legislation and controls the administration of our election laws, that therefore the duty rests primarily upon it to adopt every reasonable measure necessary for the protection of the right of suffrage. I go even further and say to those individuals in the Democratic Party who would perpetuate some of the practices of the past, they are in my opinion rendering a distinct disservice to the party, and if their views prevail this cancerous condition will ultimately destroy the party. Good politics and good sense combine to teach that it is better to clean your own house voluntarily than either to be forced to clean it or have it cleaned by your successor. And to those individuals in the Republican Party who persist in unlawful participation in Democratic primaries and in using unworthy tricks and devices in the general election, and squeal only when defeated at their own game, I shall say they, too, are rendering a distinct disservice to their party. No one can make me believe yet, at any rate, that the great majority in both parties are not honest, law-abiding citizens, who want honesty and fairness to prevail in all elections. I have learned much about North Carolina people and their elections in two years of service on the State Board of Elections. Some of it, too much in fact, has been disquieting and discouraging, but on the whole my faith remains unshaken in the conviction that the overwhelming percentage of our folk hate injustice wherever its head is raised. Out of such political experiences as I have had I believe I sense the rising tide of revolt against election frauds and corruption. When the tide begins to break against the political shore I deliberately choose to be on the side of the revolters. Many people dislike the word "reform" and so do I. I am not talking about reform—I am talking plain old-fashioned honesty and the preservation of a fundamental right of citizenship. I am utterly disgusted with the

JEROME'S CRIMINAL CODE AND DIGEST OF NORTH CAROLINA NEW 1934 FIFTH EDITION

☞ A complete Code of the Criminal Statutes and a Digest of the Criminal Decisions in the North Carolina Reports

One Large Volume, Price \$15.00, Delivered

THE HARRISON COMPANY
LAW BOOKS
Atlanta, Georgia

type of reformer who constantly talks about fraud in primary elections and calls the same thing a virtue in a general election and who invites and encourages the negro to help him win his municipal elections and then denies his right to vote in a general election. The time and conditions call for simple honesty in all elections and a determination on the part of our people to destroy dishonesty by dressing the dishonest in a garb in which they will feel at home with their prisoner companions.

The citizen's duty to vote

In conclusion, it is an appropriate time to call upon that great host of our people who have heretofore been negligent about exercising their right of suffrage, to think of this right as a primary duty of citizenship. Many of our most intelligent citizens, who have contributed much to the welfare of the State in business and industry and in the professions, deliberately stay away from the polls, and then when the election results do not meet with their conception of what is to the best interest of the State they are among the loudest of the complainers and criticizers. They are the same type of people to criticize our courts and our juries, and yet will resort to every conceivable scheme to avoid jury service. The time has come when our people must recognize their duty to vote. It is the one sure way by which government can be improved and our civilization elevated.



TRAFFIC SAFETY IN GREENSBORO

(Continued from page three)

What were the results? This cannot definitely be answered, but one statement can be made and that is that by October 2 there had been seventeen deaths in our city this year. Surely our efforts had not increased the fatalities; I am confident that they had done good. But the fact remained that our people were not becoming safety conscious, they were not learning that they must be more careful in the observance of the law and the operation of their vehicles. Quite a few of the accidents resulting in deaths were entirely unavoidable in so far as the driver was concerned and no regulation or mechanical device would have averted them. Several were of a freak nature, but deaths they were and homes were saddened.

Finally popular interest was aroused from its lethargy and so on October 2, the City Council ordered the Police Department to throw all of its force and all of its equipment into a campaign of rigid enforcement against speeding, drunken driving and careless and reckless operation of vehicles. The Judge of the Municipal Court placed himself squarely behind the campaign and announced that after October 8 every person convicted of one of these offenses in his court would have his driving license suspended for a period of from 10 to 30 days in addition to substantial fines or jail sentences.

And it has become the answer to the second question. It works and accidents can be reduced. To prove this statement, I quote the headlines from a recent issue of the *Greensboro Daily News*, "TOTAL OF 128 DRIVERS HAVE HAD LICENSES SUSPENDED IN GREENSBORO IN THREE WEEKS—FEWER WRECKS—No lives lost during that period and only one person seriously injured." During the three weeks referred to there were only eight

persons injured whereas the previous month had witnessed five deaths and 32 injuries.

Our city has not forsaken the educational phase of traffic safety but it must be reserved for those who will learn. For those who will not, those unsocially-minded individuals, the strong arm of enforcement is the only answer.

Keeping abreast of developments throughout the country in this field and ideally combining education with enforcement, Greensboro has added to the police equipment two fast automobiles, each equipped with public address systems capable of being heard over several blocks.

These cars operate on the theory that public embarrassment is more to be dreaded than a trip to the police station and have proven very successful wherever they have been installed. Contrary to the belief of some, these cars do not "bawl out" a driver and such handling of them is not tolerated. A car or a pedestrian committing a violation is overtaken and he is told in a polite voice, but one that all will hear, that the law is thus and so with reference to the offense and he is urged as a citizen to cooperate in its observance. He is thus given the opportunity to "learn" but the car is fully capable of enforcement if necessary. This practice is of course not followed for the more serious violations such as speeding.

We in Greensboro expect to continue this dual program of education and enforcement believing that accidents can be reduced and with the hope that Greensboro will earn the title of the Safest City in the State.

**NEW YORK PULLMAN
ON A NEW SCHEDULE
DAILY**

LEAVE OVER THREE HOURS LATER

Lv. RALEIGH, Southern Railway.....6:25 p.m.
Lv. DURHAM, Southern Railway.....7:12 p.m.
Ar. WASHINGTON, Southern Railway..4:05 a.m.
Ar. PHILADELPHIA, Pennsylvania R. R. 7:20 a.m.
Ar. NEW YORK, Pennsylvania R. R....9:10 a.m.

This Pullman formerly left Raleigh at 3:20 p.m., and arrived New York on the Piedmont Limited at 6:50 a.m. It has been transferred to trains 13 and 38. Modern Coach service.

NO CHANGE IN SOUTHBOUND SCHEDULE

The 3:15 p.m., from Raleigh and 4:00 p.m., service from Durham with 6:50 a.m. arrival in New York is still available with change of cars at Greensboro for parties desiring an early morning arrival in New York.

This Change Affords Pullman Service to the South and West With a Change at Greensboro. Direct Connections, No Layover.

Lv. Raleigh, Southern Railway.....6:25 p.m.
Lv. Durham, Southern Railway.....7:12 p.m.
Ar. Atlanta, Southern Railway.....5:25 a.m.
Ar. Birmingham, Southern Railway.....11:59 a.m.
Ar. Memphis, Frisco Lines.....6:50 p.m.
Ar. New Orleans, L. & N. Railroad.....8:30 p.m.

SOUTHERN RAILWAY

J. S. BLOODWORTH, D.P.A.
Raleigh, N. C. Phone 621

EVERYBODY WANTS THE HIGHWAY FUND

(Continued from page five)

time being at least, this Act provides little actual limitation. Some technical limitations might be found in previous state laws pledging highway revenues to the payment of bond principal and interest; though, as long as debt service requirements are cared for, these will probably not assume major importance.

Simple arithmetic

So much for possible state expenditures from highway revenues. If the legislature should appropriate annually \$9,500,000 for debt service, \$10,000,000 for maintenance, \$3,000,000 for construction, \$600,000 for administration and \$1,000,000 for the general fund, that would be \$24,100,000 per year, or \$2,100,000 per year more than the presently anticipated revenue.

From this the casual reader might assume that the cities have no chance at all to secure a part of the highway fund. In such an assumption he would probably be wrong, because he would be forgetting about the accumulated surplus. It is the presence of that surplus which gives the cities their chief chance of success. It seems reasonable to predict that, by June 30, 1935, the cash part of this surplus will approximate \$10,000,000, without counting surplus invested in equipment and consequently not available for spending.

The case for the cities

The arguments advanced by the cities may be summarized somewhat as follows: cities not only were compelled to build their own streets, but have been compelled to maintain them from levies on property; under present conditions these streets have a value to the motoring public which far transcends any value they have to the property owners; the situation is aggravated because traffic bred by state-maintained highways increases the street maintenance burden; cities are permitted to levy no direct tax on cars except a \$1.00 annual license fee; residents of the cities pay a major portion of the highway taxes, and the maintenance of streets is as important to them as the maintenance of highways. For all these reasons the spokesmen of the cities feel that their cities are entitled to a sizeable slice of the highway fund.

The cities have also pointed to the fact that a portion of the gasoline tax is parceled out to cities in some other states. It will be impossible to discuss this here, as such comparisons are meaningless unless accompanied by comparisons of the indirect return of state taxes to the cities, such as that effected by the assumption of the school and road maintenance burden by our own state.

A more important fact from one standpoint is the fact that many of our cities are facing financial crises equally as serious as, or much more serious than, that faced by the state. With the dependability of property taxes and special assessments vitally impaired, and with debt service draining their available resources, the situation threatens to end with the strangulation of some of the services their citizens continue to demand. It is this situation which forms the real basis of the cities' position and lends to it a genuine appeal.

The cities' proposal

The particular proposition advanced by the cities, through the League of Municipalities, is that the state shall maintain all streets in towns of less than 2,500 population and shall distribute to cities of 2,500 or more, on a population basis, 10 per cent of the highway revenues.

This would mean that the state would pay to the larger cities some \$2,200,000 yearly. The number of miles of streets in smaller towns the state would have to take over is not definitely known. Using the figures compiled by the State Highway Department in 1932 for 244 such towns and estimating the mileage in the 99 not included in those figures, the state would fall heir to some 1,800 miles of streets. If the burden of maintaining these is approximately the same as the burden of maintaining county highways, this would cost the state, at present maintenance levels, about \$190,000 yearly. At a maintenance level fixed by an appropriation of \$10,000,000 for present highway mileage, it would cost about \$275,000 yearly. Thus, the total cost to the state of the proposal made by the cities would be from \$2,390,000 to \$2,475,000 per year.

Have the cities been spending that much on street maintenance? The answer is no. The survey made by the State Highway Department in 1932 shows that cities of 2,500 or more (those which would receive \$2,200,000 under the present proposal) spent a yearly average of \$838,873 for street maintenance during the two fiscal years ending June

THE OBSERVER PRINTING HOUSE

INCORPORATED

CHARLOTTE, N. C.

*Respectfully invites your correspondence
when in need of*

County Record Books

Indexes

Tax Supplies and Systems

LOOSE LEAF OR BOUND

All kinds of Special Forms

Federal Forms, Conditional Sale
Agreements, etc., for Recording

FOR OVER FORTY YEARS WE
HAVE SERVED THE COUNTIES
AND MUNICIPALITIES OF
NORTH CAROLINA

30, 1932. There is little likelihood that they have spent more per year of their own funds since that time, and it is possible that they have spent less.

This \$838,873 represents an expenditure of about \$259 per mile of street; the \$2,200,000 would represent about \$679 per mile. On a per capita basis, the cities spent \$1.04 for each inhabitant (1930 census); the \$2,200,000 would give them \$2.72 per inhabitant.

Almost undoubtedly these figures on city expenditures, gathered during depression years, do not represent the amount necessary for adequate maintenance. However, it is doubtful that city maintenance had been curtailed to a much greater extent in 1930-32 than has state maintenance during the present biennium. Further, the deterioration of streets attendant upon these low city expenditures has been partly minimized by the allotment last year of \$1,848,000 of Federal money for street work in cities and towns of 2,500 or more and by the allotment of further Federal funds this year.

Assuming that the legislature should decide to allot a part of the highway fund to cities, would the fairest means of distribution of the fund be a distribution on a population basis, as the cities suggest? It may be pointed out that there is no direct ratio between street mileage and population. For instance, Rocky Mount, Raleigh, High Point and Wilmington, on the population basis of distribution, would receive 62 per cent more per mile of street than would Greensboro, Durham and Asheville, which average 63 per cent larger than the first group. However, any distribution on a mileage basis would necessarily have to consider width of streets, type of paving, density of traffic and other factors well-nigh impossible of determination. Consequently, the population basis, faulty as it may be, probably offers the simplest, most inexpensive plan.

Will the State manage its own spending?

Even if the legislature decides to spend part of the highway fund on city streets, it well may be that the question of how to distribute it will become entirely immaterial. The history of our state road and school programs demonstrates that when the state begins to put money into the services of local governments, those services soon become functions of the state government. The legislature creates a state agency to spend the state's money. There seems no reason to presume that the instant case may be an exception.

If the state begins to maintain city streets, sooner or later the direction of the work will be removed from local hands and one more step will be taken toward state centralization. While city officials might not relish such a step, they would probably rather relinquish control of street work than continue to carry the financial burden entailed. The present Highway and Public Works Commission would probably fall heir to the job if the legislature adopted this type of plan. Its adoption would still leave many problems to be worked out—for instance, whether or not the state would take over the street maintenance supplies and machinery owned by the cities in the manner in which it took over road machinery owned by the counties in 1931.

The case for the counties

Mention of this offers the opportunity to present one claim to highway funds advanced by the counties. In the

1933 legislature a bill was introduced to require the state to pay the counties for the value of that machinery and equipment. It failed of passage, and there is every possibility that it likewise would fail if introduced in 1935. There has also been some sentiment in favor of the state assuming the road debts of the counties; but this also seems a highly unlikely possibility. The legislature is likely to feel that, in the light of the road and school maintenance programs, the counties are already playing the role of the state's fair-haired child.

The case for the taxpayer

Now we come to the case for the last and most long-suffering of the candidates for a slice of the highway fund—the taxpayer. His case is based on the contention that the motor vehicle user is overtaxed to the point of rank discrimination. He points to the fact that he pays a \$10.00 sales tax to the state when he buys his car; that he pays a high yearly license tax to the state; that frequently he pays a city license tax of \$1.00 and a driver's license tax of \$1.00 or more; that he pays heavy ad valorem taxes on the value of his car, even though he owes part of the purchase price; and that, by way of the gasoline tax, he pays the state 6 cents for every 15 miles or so he rides. He also points to the fact that his state license and gas tax payments considerably exceed the amount currently appropriated for highway purposes and that a part of this excess is being used, and likely more will be used, for purposes having no special benefit to him at all.

In ordinary times (if there are such) these considerations might earn a respite for the taxpayer; but under present conditions his chances are not of the best. A 50 per cent reduction in license taxes (not as drastic a slash as many have urged) would reduce highway revenues by more than \$3,000,000 per year. A 1 cent reduction in the gasoline tax would reduce them by more than \$2,500,000 per year. Using the lowest of these figures, our estimate of annual highway revenues would be reduced from \$22,000,000 to \$19,500,000.

Adding up possible expenditures again: the \$9,500,000 necessary for debt service, plus the \$3,000,000 necessary to take advantage of the Federal construction money, plus \$9,000,000 for maintenance (instead of the \$10,000,000 desired by the Highway Department), plus the \$600,000 which would apparently be far from extravagant for administration, plus the \$1,000,000 now transferred to the general fund would total \$23,100,000 per year. This would mean that, without allowing anything for city street maintenance, more than \$3,500,000 per year would have to be taken out of a surplus which can only be exhausted once. If anything like the sum sought by the cities were spent on streets there could easily be a cash deficit in the highway fund by July 1, 1937. At that time, either the spending program would have to be curtailed or taxes would have to be raised, or both.

The state's own needs plus the possibility of some relief for the cities, then, render any reduction in motor vehicle taxes unlikely. Even if this be correct, however, the legislature's problems are not solved. It must inevitably decide to what extent, if any, it will dip into accumulated surplus.

If the legislature decides not to touch the surplus at all the cities are almost certain to be disappointed. Appropriations necessary to meet debt service and match Federal construction money total \$12,500,000 per year. The remaining \$9,500,000 of anticipated revenue is less than the amount sought by the Highway Department for Highway maintenance. Yet, out of it would have to come maintenance, administration and any transfer to the general fund for pressing school and relief needs.

On the other hand, if it decides to dip into surplus, it must still decide how to allocate the money as between state highway purposes, state general purposes and city street maintenance. The writer has already attempted to present the equities of allotting money for these various purposes. There remain to be mentioned, however, several factors which the legislature must consider in deciding how much of the surplus, if any, it will appropriate; for, in the last analysis, its decisions as to allocation will probably hinge on its decisions in this respect.

Many state authorities feel that a large cash surplus in the state treasury is necessary to a sound state fiscal policy and to a smooth administration of state fiscal affairs. This argument is based on the fact that, without such a surplus, the state must constantly borrow in anticipation of revenues and that such borrowing is expensive. Further, they say that it is from such little anticipatory borrowings that great deficits grow when revenues fall below anticipations. It is obvious that during the next few years the general fund will not contribute materially to any such working surplus.

It has also been pointed out that, if a large part of the highway fund surplus is used for general fund purposes, the general fund will be provided with a prop upon which it can no longer lean after June 30, 1937; and that such action will merely postpone the eventual necessity of making the general fund carry itself.

No doubt the legislature will take these matters under advisement in reaching its decisions. No one can accurately predict how much it may scoop from the surplus; but to those who envision utilization of the entire cash part of the surplus it may be pointed out that the 1933 legislature, hard pressed as it was to find sufficient revenues, preserved the entire cash surplus on hand at that time.

Pending the decisions of the 1935 legislature, the voters of the state may, in one sense at least, be a mite thankful that they are privileged to elect representatives to wrestle with such problems for them.

THE 1934 INSTITUTE SESSIONS

(Continued from page six)

Exhibit of forms and records

For many months The Institute has been collecting and studying the various forms and records used by the various county and city officers to be used in a central demonstration laboratory for local officials. At the 1934 sessions, for the first time in the State, comparative exhibits of

forms and records in use by local officers were assembled. They remained on display throughout the sessions; these included detailed exhibits of forms used by Clerks of the Superior and Inferior courts (including Justices of the Peace), sheriffs, treasurers, accountants, auditors, and tax supervisors, tax assessors and tax collectors.

Group meetings of officials

Group meetings were held by the taxation officials, legislators, county commissioners and city councilmen, registers of deeds, and clerks of the Superior Court. At these group meetings informal discussions of administrative problems, methods of handling duties, practical interpretations and applications of confusing or unsatisfactory laws, and suggestions as to needed and desirable changes in statutes were held. Many officials brought to these meetings a list of questions which they are now facing and secured from other officials present their views and methods as to the most satisfactory method of handling these problems. To all of these The Institute's Clearing House of Information was explained. The officials were urged to submit their problems to the staff of The Institute with the assurance that they would be given the benefit of the experience of other officers faced with similar problems and citations as to pertinent statutes and decisions affecting the problem.

About eight hundred people attended the closing session of the 1934 Institute, Friday evening, but many citizens and officers, unable to be away from their homes for the entire two-day program, attended only those programs of special interest to them.

RECORDS	OFFICE and BANK FORMS
BRIEFS	NEWSPAPERS
COUNTY RECORD FORMS	MAGAZINES
LEGAL BLANKS	BLANK BOOKS

Capital Printing Co.

"The House of Quality Printing"

105-107 East Hargett Street

P. O. Box 908

PHONE 1351

RALEIGH, NORTH CAROLINA

LETTERHEADS	CATALOGS
ENVELOPES	BROADSIDES
STATEMENTS	ROAD MAPS
BUSINESS CARDS	STOCK CERTIFICATES

Our Service and Quality Will Satisfy

Ask Those Who Know

A COURTHOUSE TALKS

(Continued from page seven)

show. I find that Elizabeth Horniblow, keeper of the famous Horniblow's Tavern across the street, was required to give bond in the sum of one hundred pounds, the bond reading: 'That the above bounden hath obtained a license to keep an ordinary or vittalling house. Now, therefore, if the said Elizabeth Horniblow doth find and provide in her said ordinary good and wholesome lodging and diet for travelers, and stableage, fodder and corn or pasturage, as the season may require, for their horses, and shall suffer no unlawful gaming in her house, nor on the Sabbath day suffer any person to tittle or drink *MORE THAN IS NECESSARY*; then this obligation to be void and of no effect; otherwise to remain in full force.'

"A marriage in those ancient days was a ceremony carrying many requirements and legal preparation. An old law says: All regular Ministers of the Gospel, *HAVING THE CURE OF SOULS*, and Justices of the Peace, shall be empowered to solemnize the Rites of Matrimony; that any person applying for a Marriage License shall give bond in the sum of *FIVE HUNDRED POUNDS*, and that every minister is authorized to published the Banns of Matrimony three Sundays and may demand and take for his services the sum of *FOUR SHILLINGS*, and no more.

"Thus for many, many years I have witnessed the transformation of this tiny Colony into the great State of North Carolina and now, after 167 years of constant service to my people, I quietly await the coming of some philanthropic restorer, like Halsey at Annapolis and Rockefeller at Williamsburg, to rejuvenate my ageing timbers, and preserve my panelled rooms, the largest in America."

COURTHOUSE CHAFF

(Continued on page eighteen)

It seems that a farmer and his wife who lived on sub-marginal land had been having a struggle to keep body and soul together during the summer and fall; however, they had managed to raise and fatten two very nice hogs which promised to keep them in meat during the fast approaching winter. One day the farmer went in to the nearby town, and some few hours later a truck pulled up in front of his house. Much to the wife's surprise the driver of the truck tied two hounds to the front steps, loaded the two hogs and drove away.

Upon the farmer's return his grief-stricken wife greeted him with tears in her eyes, saying, "John, what on earth were you thinking about when you let our two hogs go?"

To this John calmly answered, "Now, Honey, don't take it so hard. I feel just as badly as you do about this thing, but nobody ever heard of running a fox with a hog, and some foxes have got to be run around here this winter."

* * *

Character will tell

In one of our smaller towns where Sunday afternoon passes rather slowly and without a great deal of excitement, there was quite a disturbance when three prominent citizens were arrested for indulging in a friendly game of

dice back of Cy Jones's barn. Arraigned before the local judge the next morning, each of the citizens appeared with lawyers. The first lawyer put on a series of witnesses to testify as to the character of his client. The second lawyer followed the same process, and proved that his client was also an outstanding figure in the community. When the third lawyer got ready to present his case, whether or not the two going before him had stolen his thunder is not known, but all he said was:

"Your, Honor, all I have to say is that my client was caught shooting crap back of Cy Jones's barn with two gentlemen of impeccable character."

* * *

"Not guilty"

Old Squire S . . . had been the leading judicial figure in the community for years. He was extremely jealous of the fact that he had been the sole source of legal counsel and wisdom in the section for two generations. A young lawyer came to the town and for several years struggled unsuccessfully to build up a practice, finally giving up in disgust and quietly leaving the town. The "Squire" was overjoyed. Soon after the lawyer had sought more fertile fields, someone inquired of the Squire, "What became of young L . . . ?" "well," he answered, a pleased smile spreading over his face, "we tried him for being a lawyer and found 'not guilty.'"

* * *

Equipment is efficient

At the Institute of Government Police School held in Raleigh during the Christmas holidays in 1933, there were on display police radios, teletypes, weapons and other mechanical gadgets used by modern law enforcing agencies in the war on crime. An old negro who has spent his days janitoring at State College, where the school was held, was particularly interested in these exhibits. In making the rounds he came upon the detectophone, which consists of a very small microphone-like device attached to a wire so fine that it can hardly be seen. This interesting mechanism can be concealed in a room in such manner as to pick up all sounds in the room and carry them to the other end of the wire for the benefit of listening detectives. The old negro was engaged in a conversation, in low tones, in front of the receiving end of the detectophone. He was then told to go back into the next room and ask what he had said. He did so, and was flabbergasted when an officer repeated to him the entire conversation. Returning, he stared at the detectophone, shook his head slowly and walked away murmuring: "Police's ain't so wise; it's what they got that's wise."

* * *

A "mild" defendant

A state official tells us of the time when, as a practicing lawyer, he was preparing to defend a client on a charge of mayhem, the client having negligently bitten off the complaining witness' ear in the course of some friendly fisticuffs. The chief hope of the defense was to rely upon the alleged mild

HOW TO MAKE NORTH CAROLINA MORE PROSPEROUS



More than \$100,000,000 a year can easily be added to the productive wealth of North Carolina each year if North Carolinians will patronize each other.

North Carolinians are sending more than \$200,000,000 a year into other states for products which are being, or should be, produced in this state. This money is supporting factories in other states. It is supporting literally thousands of workers in other states. These workers include industrial workers, farmers, miners, and others.

If our merchants and consumers will insist upon handling and consuming North Carolina products instead of similar products imported from other states it will mean employment for literally thousands of North Carolina industrial workers. It will mean vastly increased purchasing power not only for these workers but for North Carolina farmers, merchants, and others. If we increase our purchasing power by \$100,000,000 per year by insisting upon North Carolina products—and we can easily do it—it will mean a larger measure of prosperity and increased taxable values. There is no interest in the state that would not be benefited in some measure as the result of this increased purchasing power and increased prosperity.

The trend has definitely set in. A large proportion of North Carolina merchants are patriotically, and with a realization of self interest too, giving preference to North Carolina products; and North Carolina consumers are more and more insisting upon North Carolina produced commodities. The more definite this trend, the quicker will North Carolina people enjoy that greater and more wide-spread prosperity which must inevitably follow this course.



SOUTHERN PUBLIC UTILITIES COMPANY

and affable character of the defendant. Three days before the trial the lawyer was waiting for a train in his client's home town when the defendant appeared. "You gonna catch the next train?" queried the defendant. "Yes," said the lawyer. "Too bad," remarked the defendant. "Stick around a while and you'll see the best fight you've seen in a long time." "Who's going to fight?" asked the lawyer. "Well," said the allegedly mild defendant, "I don't know yet who the other one's going to be, but I'm gonna be one of 'em."

* * *

Another pupil

In a mountain county the Superior Court was trying a young defendant for illegal possession of a half-pint of whiskey. When the time arrived for sentencing the Judge asked the Solicitor if he had any recommendations. The Solicitor explained that he preferred to remain silent as, during his school teaching days prior to becoming a lawyer, he had taught the defendant, was well acquainted with him and with his family. Several hours later in the same day another case was called, involving illegal possession of 140 gallons of whiskey. Turning to the erstwhile school teacher the Judge rasped: "Mr. Solicitor, is this defendant another one of your pupils?"

* * *

It was the barrister's first case, and he was anxious to make an impression.

"Now," he said to the defendant, "You say you came to this town just for a holiday. I put it to you that another, a stronger motive, brought you all this distance."

"Well," hesitated the defendant, "there was."

"Ah!" cried the barrister enthusiastically, "What was it?"

"A locomotive!" replied the defendant.

GENERAL INVESTMENT SERVICE

We Maintain Active Markets in the Following Issues:

United States Government Bonds
North and South Carolina State Bonds
North and South Carolina Municipals
(County, City, Town, Township and District Bonds)
Other Southern Municipals

Home Owners' Loan Corporation Bonds
Federal Farm Mortgage Corporation Bonds
Federal and Joint Stock Land Bank Bonds
High Grade Preferred Stocks
Southern Mill Stocks

BOUGHT — SOLD — QUOTED

We also execute orders for listed and unlisted Securities, provided they are qualified for trading in this State—and we conduct a Statistical Department to serve our clientele.

We Invite Your Inquiries

R. S. DICKSON & COMPANY, INC.

Wilder Building
CHARLOTTE, N. C.
Tel. L. D. 991



Branch Offices:
NEW YORK, N. Y.
RALEIGH, N. C.
COLUMBIA, S. C.

Bulletin Service

Key to abbreviations

(A.G.) Attorney General.

(D.Ed.) Department of Education.

(L.G.C.) Local Government Commission.

I. Ad valorem taxes.

A. Matters relating to tax listing and assessing.

76. Solvent credits—unearned premiums.

(A.G.) A liability for unearned premiums on the part of an insurance company is not such a bona fide indebtedness as comes within the meaning of Section 518 of the Machinery Act.

81. Deductions from solvent credits—unearned subscriptions.

(A.G.) In answer to inquiry, "Can newspaper company be allowed to deduct from their solvent credits money on hand collected for subscriptions and unearned?" In my opinion, such liability as may exist against a newspaper corporation, by reason of advance payments on subscriptions, is not considered a debt which may be subtracted from solvent credits in listing personal property.

91. Deduction—in case of mortgage.

(A.G.) On April 1, 1934, A was owner and holder of a \$5,000.00 note executed by W, and secured by deed of trust on certain lands in G County. In May 1934, W conveyed the lands covered by the deed of trust to A, the consideration being the cancellation of the deed of trust securing the note for \$5,000.00. Prior to July 1, 1934, the deed of trust was cancelled of record and the note passed out of existence. On July 2, the Board of Commissioners was asked to remove the \$5,000.00 note from the tax list of A.

On the statement of facts as submitted, I am of opinion that the \$5,000.00 deed of trust is taxable as listed and that the commissioners have no authority to remove the item from the tax books.

120. Board of equalization and review—time of meeting.

(A.G.) I think that a Board of County Commissioners, acting as a Board of Equalization and Review, may extend its sessions, within the objects and purposes committed to it, beyond the first Monday in July. But, where the board has permanently adjourned its sittings, I think the court would then hold that it could not go back and reassemble for the purpose of reconsidering the tax list.

B. Matters affecting tax collection.

7. Nature of the property.

(A.G.) The law does not make any distinction as to the quality of the tax between a tax with respect to personal property and a tax with respect to real estate. There is a distinction with regard to their collection which arises out of the character of the property itself. Under the statute a lien for the taxes will attach to the real estate, and this lien is for all taxes, both that levied with respect to personal property and that levied with respect to the land itself. No lien attaches to personal property without a

A leading lawyer of Asheville tells us the following story of his own experience with this bulletin service. A client submitted a problem with respect to taxation. On the following day the lawyer received the November issue of Popular Government. One of the rulings of the Attorney General reported in that issue settled the problem, and the matter was immediately adjusted with the local tax officials on the basis of that ruling. We know of no better illustration of the value of this service to lawyers and local officials throughout the state. If you have not already done so, mail your subscription to Popular Government now and insure receipt of this service monthly.

levy. Personal property under the statute, which is almost uniformly ignored, must be resorted to before real estate for collection of taxes.

15. Delinquent taxes—incidents of notes given.

(A.G.) Under the act providing for delinquent taxpayers to give notes and for the payment of same under C. S. 8034, several taxpayers wish to anticipate the payment thereof in whole or in part, in cash, and receive the benefit of the 10 per cent discount for payment before the installment is due.

Interest can be charged on the notes from the first day of April, at the rate of 6 per cent per annum, and then the 10 per cent discount given. The payment is on the note itself with accumulated interest, and the discount

should apply to the amount due, including the interest.

20. Delinquent taxes—time for sale and settlement, 1933 taxes.

(L.G.C.) As far as 1933 taxes are concerned, the sale should have been held on the second Monday in September, 1934. This was a mandatory provision of the law and any postponement from that date would seem to have to be corrected by a validating act of the 1935 General Assembly. Also action for foreclosure of the tax sales certificates of the 1931 levy should have been instituted before October 1, 1934; and if this was not done, I suppose the only remedy in this case would be a validating act of the General Assembly.

With respect to the 1932 taxes, action to foreclose certificates of sale should be instituted before expiration of 24 months from date of certificate of sale.

22. Liability of personalty for land taxes—injunction.

(A.G.) Any person interested in the land advertised to be sold for taxes could point out personal property from which the tax might be collected, and would be entitled to an injunction to prevent the sale of the land. However, after the land has been actually sold, I do not think that foreclosure proceedings could be arrested because resort was not had in the first instance to personal property.

31. Tax foreclosure—procedural aspects.

(A.G.) If the county should bring a foreclosure suit upon its own tax sales certificate, and the municipality should be made a party to that suit, and not assert its right to its own tax, it would be estopped, and the purchaser at the foreclosure sale would have the property without encumbrance. If, however, the municipality receives no notice and does not join in the suit, in my opinion, the purchaser at the county's foreclosure sale will take subject to the town tax, and this may be enforced.

(A.G.) In my opinion, proceedings on several tax sales certificates held by the county against the same person, may be brought in the same action. I think, however, if objection or demurrer is made by another person who may be a party, in a proper case, the causes of action might have to be severed.

(A.G.) I find no legislation giving authority for a compromise of the taxes of 1928, 1929, 1930, and 1931 in suits al-

ready brought, by forgiving interest and penalties and collecting face of tax and cost of advertising. It is generally understood, however, that where actual litigation is pending, and the result may be more or less in doubt, situations may arise when, in the exercise of sound discretion, compromise might be made.

(A.G.) If it is sought to foreclose a tax sales certificate under C. S. 8037, which proceeding would, of course, be against the land, it would not be necessary to have an administrator appointed. The heirs at law are necessary parties. (In answer to inquiry, "In foreclosure suits against an estate where there is no administrator or executor and none of the heirs are known, is it necessary to have an administrator appointed to get a judgment and establish a lien?")

(A.G.) In answer to inquiry, "In foreclosure suits against an insane person, is it necessary to have a guardian ad litem appointed to get a judgment and establish a lien?" The procedure in a foreclosure suit to foreclose a tax sales certificate is analogous to that brought to foreclose a mortgage, and it would be necessary to have a guardian ad litem appointed. A tax foreclosure proceeding, in my opinion, cannot be regarded as entirely in rem, as was the old remedy for the sale of land and collection of taxes.

35. Tax foreclosure—costs.

(A.G.) This department has expressed the opinion that Chapter 560, Public Laws 1933, limiting the costs which may be charged in tax foreclosure suits, did not affect costs already incurred in suits already pending.

(A.G.) Statute prohibits the collection of any process tax due the state for the institution of tax sales certificate suits. The statute further provides that in case the action is prosecuted by the state, county or other municipality, no prosecution bond shall be required to be deposited or paid any officer. Cost shall be taxed against the defendant or defendants as in other cases, and when collected shall be paid to the officers entitled to receive the same provided the fees allowed any officer shall not exceed one-half of such fees allowed in other civil actions.

(A.G.) Chapter 460, Public Laws 1933, limits the costs in tax foreclosure proceedings to \$6.00. In my opinion, this means the cost of the whole foreclosure, including the notice of sale, preparing the deed, etc.

77. Tax collection—priority of lien.

(A.G.) It is our understanding that there is no priority of lien in taxes as

between cities and counties, and neither is there as between the taxes for different years, that is to say, it is our understanding that when taxes are collected for all years due, these taxes would be prorated between the county and city, not in accordance with the times at which they became due, but in proportion to the total amount of tax due the county and the city respectively.

III. County and city license or privilege taxes.

A. Levy of such taxes.

(A.G.) Under Section 121 of our Revenue Act of 1933, disabled soldiers of the World War, who have been bona fide residents of the state continuously for the twelve months preceding, may be exempt by Boards of County Commissioners from payment of the Peddlers Tax.

(A.G.) In answer to the inquiry, "Can flavoring extracts manufactured by the seller be peddled on the streets without a license?" I think that the peddler of extract flavoring would not be required to have a license if he could be said to have manufactured the article. I should say if the mixing of the ingredients totally changes the product and makes it an entirely new one, it might be classed as manufacture.

42. License tax on dealers in second hand clothing.

(A.G.) It is lawful to deal in second hand clothing in this state, and that trade is not separately considered for licensing. However, many of the cities have regulations with regard to the sale of second hand clothing, and some of them require a license to be procured.

69. License tax on ice cream dealers—Rev. Act., sec. 161.

(A.G.) I think that it is the better opinion that C. S. 7880 (92), (Section 161, Chapter 445, Public Laws 1933, Revenue Act), permits the town to levy a tax upon persons, firms and/or corporations engaged in the business of manufacturing or distributing ice cream at wholesale, only upon a concern which has a located business in the town.

IV. Public schools.

B. Powers and duties of counties.

42. Capital outlay budget.

(A.G.) In answer to inquiry, "Has a county the right to include in its capital outlay budget funds for purchasing school buses for transporting children heretofore provided for by contracting with an individual who furnishes the equipment?" In view of the fact that

the original purchase of the buses was carried as part of capital outlay before operation of schools was taken over by the State, the Supreme Court would probably hold that a county may now levy taxes for such purpose. However, construction of the statute is doubtful.

F. School officials.

2. Powers of county board.

(A.G.) The present law is not clear as to expenditures of capital outlay funds for improvements in a city administrative unit, but I think the better view is that generally these expenditures are to be made by the county board of education. Where the city administrative unit leases a building for school purposes, the expenditure of county capital outlay funds for its repair would be controlled as above set out. If the city administrative unit has funds of its own which can be used for this purpose, it, of course, would control their expenditure.

(A.G.) "Where a school is in need of additional rooms, would it be possible for either the Board of Education or Board of County Commissioners to employ a foreman, buy the material and employ labor at prevailing prices, rather than paying code prices? (A saving of 25 per cent.)"

If your county has funds available which it can use for this purpose, we see no reason why you could not proceed as outlined.

51. Teachers—employment.

(D.Ed.) There is nothing in the law to prevent employment of a teacher with a non-standard certificate. This should not be done, however, until possibility of getting someone with a good certificate has been exhausted.

L. Reports.

10. Transportation reports.

(D.Ed.) Transportation reports are not furnished by the office of the North Carolina Superintendent of Education, but may be secured from the State School Commission.

11. Statistics.

(D.Ed.) This office will no longer keep records pertaining to children of compulsory school age. It will not be necessary, therefore, to collect information of this kind.

V. Matters affecting city and county finance.

D. Sinking funds.

5. Security for protection of deposits.

(L.G.C.) Under Section 32 of the Local Government Act, as amended, the "proper custodian" of securities put up to secure

bank deposits shall be another bank which has been approved by the Commission as a depository bank for such purposes, the State Treasury, or the Federal Reserve Bank; and such securities so deposited shall be held for the benefit of the local governmental unit and subject to the order of the governing board of the unit.

Section 29 of the Local Government Act, as amended, enumerates the classes of securities made eligible for the investment of sinking funds, namely, bonds or notes of the United States or of the State of North Carolina, bonds or notes of the unit or such bonds or notes of North Carolina municipalities, counties and school districts as are eligible for investment of the sinking funds of the State. However, when a unit desires to invest sinking funds in its own bonds or notes, such investment must be first approved by the Local Government Commission. Likewise, security of its sinking fund deposits in a bank with bonds or notes of the unit must be approved by the Commission.

In the case of deposits of funds other than sinking funds (current funds), Section 32 of the Act provides, "That the Director or Commission may in his or its discretion permit the current funds of a unit to be secured by notes or bonds of said unit."

I. Issue of bonds.

3. Payment of interest on bonds.

(A.G.) In answer to the inquiry, "Is a town liable for interest on its bonds after all interest coupons have been detached and paid?"

In *Cannon v. Maxwell*, 204 N. C. 420, the court held that the State is not liable for interest unless it especially contracts to that effect. That case followed earlier cases from that court on the subject, and also the case of *United States v. North Carolina*, 136 U. S., 211. This ruling is primarily based upon the sovereignty of the State. I am of the opinion that the same rule does not apply to a county or municipality, and that a subdivision of government is liable for interest on its bonds when not paid at maturity. It would seem that C. S. 2307 and 2309 apply to such a situation. That view is supported by the case of *Burroughs v. Commissioners*, 65 N. C., 234; *Yellowly v. Commissioners*, 73 N. C., 164, and also by the case of *Appleton Water Works v. Appleton*, 136 Wis. 395, 399, 117 N. W., 816.

(L.G.C.) If a bondholder will agree to accept payment of a past due bond without interest from maturity, he would automatically waive his right by acceptance of such payment; but we do not think he can be forced into such an agreement.

(L.G.C.) While we think a bondholder is entitled to accrued interest on past due coupons upon which the county has defaulted in payment, we do not feel sympathetic with bondholders pressing such claims in the light of economic conditions through which we have passed. Of course, if a local unit of government in the State has intentionally withheld funds with which such obligations could have been paid at a much earlier date, our attitude might be different; but where a local unit has done its best in payment of obligations, our position is unchanged.

VI. Miscellaneous matters affecting counties.

B. Workmen's compensation.

10. Deputy sheriff.

(A.G.) In my opinion a Deputy Sheriff, who is not paid by the county and receives no fees from the county, but on the contrary is appointed by the sheriff and is compensated by a commission on fees collected by him as representing such sheriff, is an employee of the sheriff, and not of the county, and the county is not liable under Workmen's Compensation Act as an employer. Premiums charged by carriers of this kind of insurance are based upon the payroll, however, and this might decidedly affect the case. I think that if the Deputy Sheriffs of the county were included in the payroll of the county, on which the insurance is based, both the county and the insurance company would be estopped from denying liability.

VII. Miscellaneous matters affecting cities.

C. Town board.

1. Contract with member.

(A.G.) Member of Board could not retain the office of Town Commissioner while awards of insurance contracts were made to insurance companies of which he is agent, without violating C. S. 4388.

G. Municipal liability for tort.

2. Operation of fire truck.

(A.G.) It is my view that municipalities are not liable in damages for injury occasioned by fire truck owned and being operated and used entirely by town in making trips to and from fire in the town.

VIII. Matters affecting chiefly particular local officials.

A. County Commissioners.

2. Investigation—powers.

(A.G.) The Board of County Commissioners, making an investigation to ascer-

tain what a grand jury meant by matter set forth in its report, is not such a body as may punish a witness for contempt for refusing to answer a question, and more particularly a grand juror who is protected by his oath not to reveal matters coming before the grand jury of the county.

B. Clerks of the Superior Court.

60. Legal notices.

(A.G.) In answer to the inquiry, "Can a summons out of the Superior Court which reads, 'To the Sheriff of _____ County—Greeting:' be served validly by a township constable?"

In my opinion a summons out of the Superior Court, in the form such as you have submitted to me, could not be served by a township constable under the law, C. S. 976 and 977.

61. Permits.

(A.G.) A clerk of court does not have the power to give a permit to carry a concealed weapon.

L. Local law enforcement officers.

4. Medicines and extracts—alcoholic content.

(A.G.) It would be a violation of the law to use more alcohol than necessary to preserve the active principles of a medicine or extract. The use of more alcohol than 3.2 per cent in any product which may be used as a beverage is a violation of law.

31. Lotteries.

(A.G.) A store wishes to give tickets with each dollar purchase. At the end of the week the lucky number will win a prize. The plan is a lottery and, therefore, in violation of our statutes on the subject, C. S. 4427 et seq. I know of no such plan which would be legal where any element of chance enters into the disposition of the property.

(A.G.) Inquiry, "Customer buys cake of soap and this entitles him to punch a board, the winner getting a prize. Would this be a violation of the state law?"

The sale of goods by the punchboard method described by you would contain in it an element of chance. It would, therefore, be a lottery and violative of our criminal laws—C. S. 4427 et seq.

61. Specially appointed officers.

(A.G.) In answer to inquiry, "Would officers appointed under C. S. 3484 which, with amendments, authorizes the Governor to appoint police officers for certain corporations, have the authority of general police officers in the mill village?"

In my opinion, the provisions under the statute constitute an extraordinary

application of the police power, and the statute must, therefore, be construed strictly, and the powers given under it not enlarged beyond the apparent scope. I think, primarily, the law was intended to afford a summary and immediate method of preventing trespasses and breaches of the peace where a considerable number of people are thrown together, and in an emergency where outside police help would be unavailable, or where in the nature of the thing immediate protection of the property must be had. For this reason, I am of the opinion that an officer appointed for the mills would not have the general police powers of a police officer in the mill village or off the property.

S0. Picketing.

(A.G.) The case of *Citizens Co. v. Typographical Union*, 187 N. C., 42, is the principal case in this State dealing with the subject of picketing. There the court said: "Any individual or group of individuals have a right to work for whom they please, either individually or collectively, and to contract in any manner they see fit and proper. Ordinarily, any individuals or group have a right to quit work when he or they see fit, and, by peaceable means, use their influence and argument with other individuals and groups from filling or taking their places. The quitting work by individuals or combination must be peaceful, and their conduct in the persuasion of others must be peaceful. No individual or group who have these rights can infringe on the rights of others. No individual or group of individuals, in carrying out their idea of right and justice as they consider them to be, can resort to any illegal means to accomplish their purpose—violence, assault, unlawful conspiracy, trespass, or any actionable wrong." "The defendants have a legal right to have a reasonable number for peaceful picketing, but this cannot be attended by any disorder, intimidation or obstruction, but only by observation, watching and persuasion."

P. Judges of Recorder's Courts and County Courts.

20. Jurisdiction over subject matter.

(A.G.) C. S. 4201, as amended by 1933 Legislature, makes involuntary manslaughter a misdemeanor and a Recorder's Court having jurisdiction of offenses below grade felony would have jurisdiction over the offense.

T. Justices of the Peace.

1. Fees.

(A.G.) No fees or charges can be made to the defendant in a criminal case, not

even fees for removal of the cause, until after conviction, except where expressly authorized by law. As far as I can now recall, such express authorization exists only in connection with deposit for jury trial.

6. Services.

(A.G.) C. S. 199-a et seq., from Chapter 157, Public Laws of 1931, prohibits anyone except a licensed attorney at law from practicing law and rendering legal services, such as writing a deed, deed of trust, mortgage, etc., for a fee or consideration. A justice of the peace or anyone else can write such instruments without a fee or consideration. But it is unlawful under the statute for a justice of the peace or anyone else to receive, directly or indirectly, compensation for writing such documents.

13. Territorial jurisdiction.

(A.G.) While a Justice of the Peace is elected or appointed from a certain township, his jurisdiction extends throughout the whole county for which he is appointed. He may sit anywhere in the county and try cases coming within his jurisdiction. There is no legal objection whatever to holding court in the county courthouse.

15. Candidate in election.

(A.G.) Unless its provisions are modified by some public-local act applying to the county, C. S. 1463 applies so that there may be candidates for Justice of the Peace in the general election to the number set out therein. A person who holds the office of Justice of the Peace may become candidate for such office in the general election. In becoming such candidate, it would not be necessary that he resign his position as appointive Justice of the Peace.

IX. Double office holding.

16. County attorney.

(A.G.) Under the general law the position of county attorney is not an office within the constitutional meaning. I am not sure whether the conciliation commissioner is a federal officer, but I rather think that he is.

17. Superintendent of prison camp.

(A.G.) Membership on the county board of education is an office. I rather think that the position of superintendent of a State Prison Camp is also an office.

18. Nominee for Senate.

(A.G.) Constitution, Article II, Section

25, provides that "the terms of office for Senators and members of the House of Representatives shall commence at the time of their election." I am, therefore, of opinion that when one is elected member of the General Assembly he should at that time resign as Mayor, in compliance with the constitutional provision against double office holding.

XI. General and special elections.

B. Ballots.

10. Absentee ballots.

(A.G.) Chapter 557, Public Laws 1933, does not change the general election law of the State, which requires persons desiring to vote absentee ballots to make application in person, or through someone else, before they receive such ballots.

F. Resignation of candidate.

1. Nomination of successor.

(A.G.) I think that where a nominee for justice of the peace resigns before the election, the best course is for the township committee to nominate his successor, and have this approved by the county committee.

G. Registration.

10. New registration.

(A.G.) Where a registered voter has removed from one precinct in a county to another in the same county within less period than four months next preceding the election, he may go back to his original precinct and there vote. I am of opinion also that where he has removed from one precinct in a county to another in the same county, and been in the second precinct for a period less than four months, he should go back to the original precinct and there register and vote when a new registration is ordered.

H. Political parties.

1. Citizens Party.

(A.G.) No political party by the name of "Citizens Party" is recognized under the North Carolina election law. Independent candidates may be placed on the ticket in accordance with section 124. a-6, pamphlet copy of the election law, as amended by section 1, Chapter 223, Public Laws 1931. It is my opinion, then, that candidates under the designation of "Citizens Ticket" or "Citizens Party" cannot be placed on the official ballot except on petition as contained in the section referred to.

EDWARDS & BROUGHTON CO.

Fine Printing for Three Generations

Printing - Binding
 Ruling - Engraving
 Steel and Copper Plate
 Printing - Lithography

Whatever your needs may be in the Graphic Arts
 you will find us prepared to serve you

EDWARDS & BROUGHTON CO.
 RALEIGH, NORTH CAROLINA



BUSINESS IS GOOD With Jefferson Standard!

● Our November business exceeded by several hundred thousand dollars any previous month this year. As we grow larger, we grow stronger. The Jefferson Standard is one of the South's leading financial institutions.

JEFFERSON STANDARD LIFE INSURANCE COMPANY GREENSBORO, N. C.

JULIAN PRICE, PRESIDENT



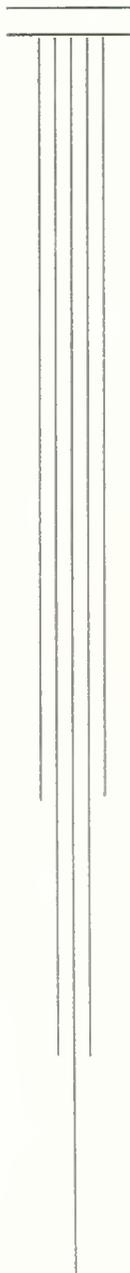
NORTH CAROLINA BONDS

STATE -- COUNTIES -- CITIES

LEWIS AND HALL

GREENSBORO, N. C. LONG DISTANCE 972

"Know Your Government"



KNOWLEDGE is the key to better government. The public officers and private citizens of North Carolina are joining in building THE INSTITUTE OF GOVERNMENT as a means of providing governmental knowledge to officers, citizens, students and teachers.



FOR as little as \$1.00 you, too, can join THE INSTITUTE OF GOVERNMENT, a native North Carolina institution, which is receiving nation-wide recognition. The same dollar will bring you twelve monthly issues of POPULAR GOVERNMENT to keep you informed about current governmental problems in North Carolina. Any amount subscribed above \$1.00 will be used to further the general program of THE INSTITUTE.

MAIL YOUR SUBSCRIPTION CARD NOW!

The Institute of Government

Box 147

Raleigh, North Carolina