

Wallace Williams

IN THIS ISSUE



NAVAL AVIATION CADETS AT
CHAPEL HILL
Our Cover Picture

CITY AND COUNTY DELINQUENT TAXES

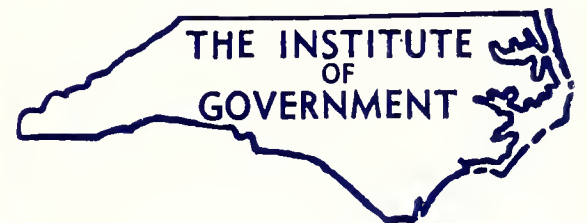
POLITICS AND THE LAW IN TAX
COLLECTION

THE FISCAL UPHEAVAL

COUNTY COMMISSIONERS HOLD 35th
ANNUAL CONVENTION

CIVILIAN DEFENSE IN THE SMALLER
CITY

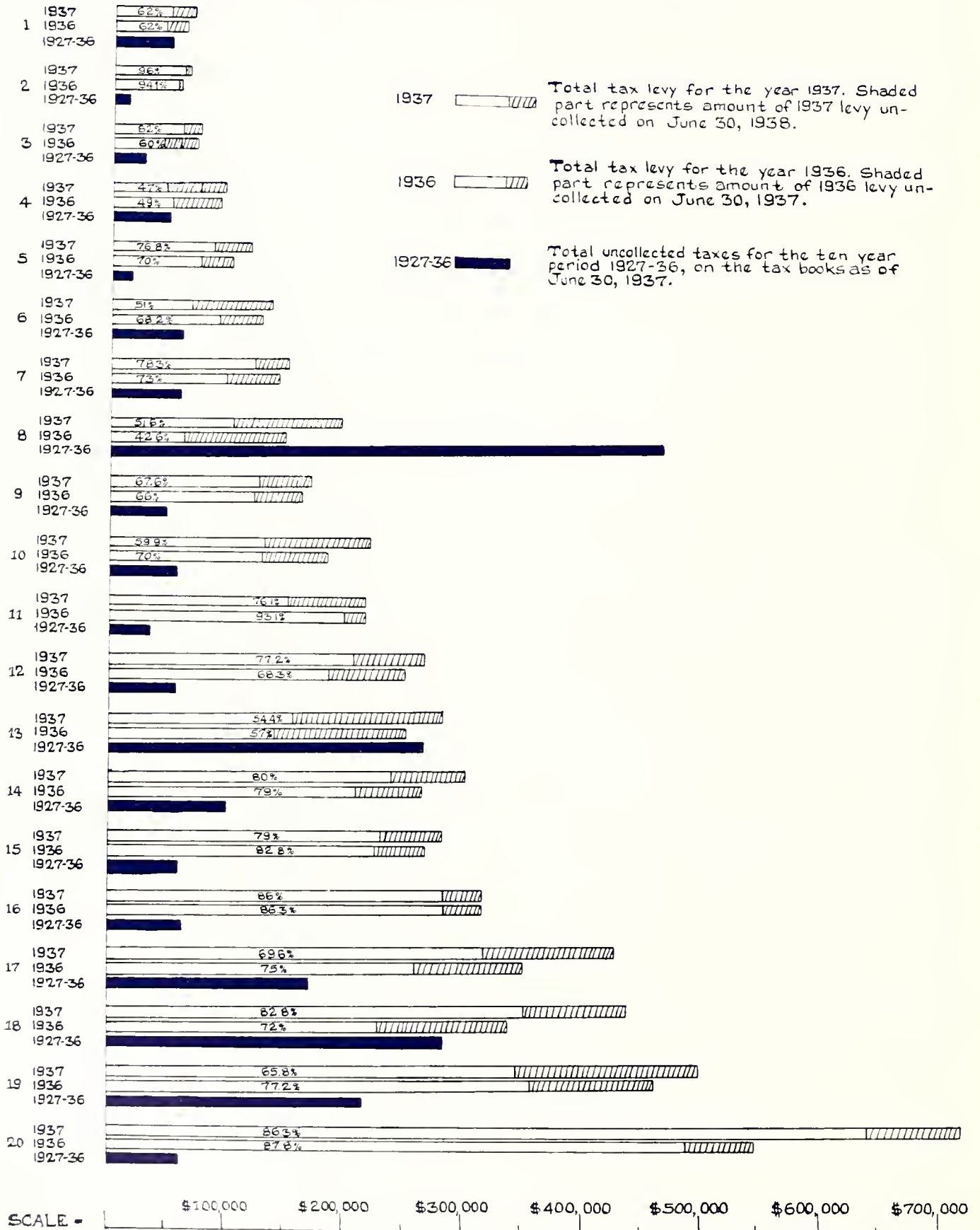
RECENT RULINGS OF ATTORNEY
GENERAL OF SPECIAL INTEREST
TO CITY AND COUNTY OFFICIALS



SKYWARD SMILE THESE FUTURE AIRMEN OF OUR Navy, in training at North Carolina's Pre-Flight School at Chapel Hill. Since May 28 recruits have been arriving in an endless army; the school will reach full strength November 12. The University has given whatever was needed—nine dormitories, gymnasium and equipment, and its dining hall facilities.

POPULAR GOVERNMENT

UNCOLLECTED TAXES OF TWENTY NORTH CAROLINA COUNTIES



POPULAR GOVERNMENT

VOLUME 8
NUMBER 6

PUBLISHED MONTHLY BY THE INSTITUTE OF GOVERNMENT
UNIVERSITY OF NORTH CAROLINA

AUGUST
1942

Facts on City and County Delinquent Taxes

Counties, cities and towns in North Carolina are each year required to report to the Commissioner of Revenue in Raleigh (1) the tax levy for the year, (2) the amount of taxes uncollected at the end of the year, (3) the percentage of taxes collected for the year.

From this information the Institute of Government staff has prepared the accompanying charts of the taxes levied, taxes collected and taxes uncollected for the years 1936-37, and the uncollected taxes for the ten year period 1927-1936.

County Delinquent Taxes

Around 90 per cent of the counties reported for the years in question and around 70 per cent of the cities and towns. The 20 counties and 20 cities and towns whose tax collecting status is portrayed on the accompanying charts are representative (1) in geographical distribution, (2) in the amount of taxes levied, and (3) in the percentage of taxes collected and uncollected.

All counties, cities and towns did not always report on a uniform basis, and discrepancies sometimes appear, but it is believed that the results shown are approximately correct.

Of 91 counties reporting in 1937, 2 reported collections within the current year of less than 50 per cent of the taxes levied (both small counties levying less than \$100,000); 36 reported collections between 50 and 70 per cent of the levy; 38 reported between 70 and 85 per cent collected; and only 15 reported collections of more than 85 per cent. Thus it appears that in over three-fourths of

Leading public figures have called attention to the delinquent tax situation with such vividness and force in recent weeks that POPULAR GOVERNMENT reprints an article with charts portraying the problem over a ten-year period, 1927-37. A subsequent article will bring this picture up to date, but tax authorities agree that it has not materially changed in the last five years.



By
**ALBERT
COATES**

Director,
Institute of
Government

the counties less than 85 per cent of the taxes levied within the current year were collected.

Information is not available as to the amount of these taxes collected in subsequent years, but of the taxes levied by 86 counties reporting as of June 30, 1937, for the 10-year period 1927-1936, 56 reported average collections of over 90 per cent; 20 reported average collections between 80 and 90 per cent; and only 10, less than 80 per cent.

It is apparent from the reports that the size of the county does not determine the percentage of taxes collected, for some of the smallest counties reported some of the highest percentages of collections; but of the seven counties reporting tax levies of \$500,000 or over, 4 collected over 85 per cent; 2 collected between 70 and 85 per cent; and 1, below 70 per cent.

Many counties, however, show wide fluctuations from year to year in the percentages of taxes collected; for example one county reported as high as 93 per cent collections in 1936, and as low as 76 per cent in 1937.

City Delinquent Taxes

Of 220 cities and towns reporting in 1937: 28 (13%) reported collections within the current year of less than 50 per cent; 78 (35%) reported

collections between 50 and 70 per cent; 68 (31%) reported collections between 70 and 85 per cent; and 46 (21%) reported collections over 85 per cent. Thus it appears that over three-fourths reported collections of less than 85 per cent of the taxes levied within the current year.

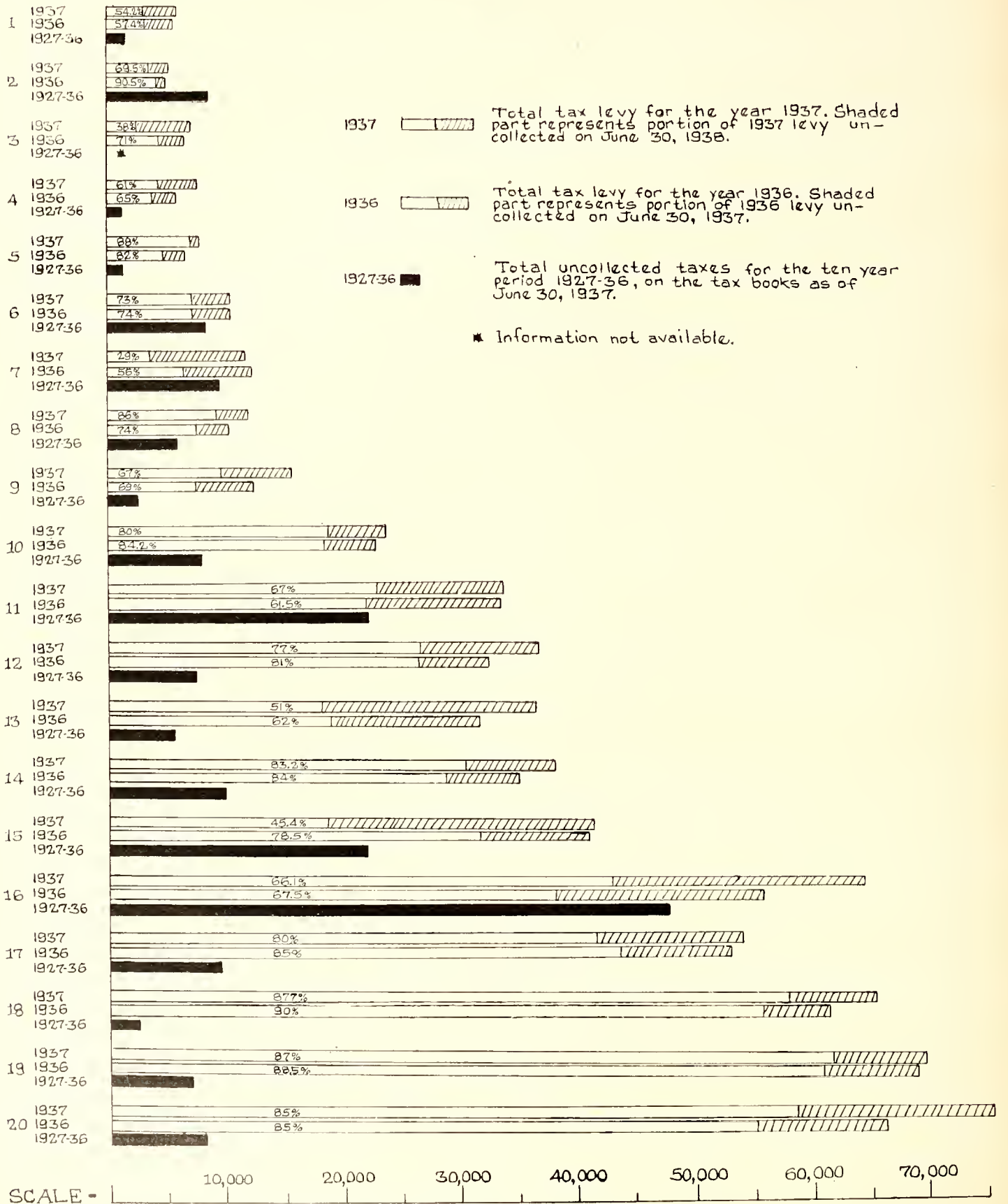
Information is not available as to the amount of these taxes collected in subsequent years, but of the taxes levied by 177 cities and towns for the ten-year period 1927-1936 reporting as of June 30, 1937: 95 (53%) reported collections over 90 per cent; 53 (30%) reported collections between 80 and 90 per cent; 29 (16%) reported collections under 80 per cent.

With the cities and towns, as with the counties, size does not determine the percentage of tax collections, for some of the smallest towns report some of the highest collections. Practically all of the largest cities, however, have relatively high percentages of collection. Many cities fluctuate widely from year to year in the percentages of taxes collected. For example: one city reported tax collections of 90 per cent in 1936, and 70 per cent in 1937.

It is apparent from the chart, that some cities and counties are falling behind with tax collections at the rate of 1 per cent a year, others 10 per cent a year, and others 20 per cent a year.

It is further apparent from the chart, that if by some unexpected miracle all back taxes for the ten year period 1927-1936 could be collected at once, some cities and counties could dispense with tax levies altogether for 2 years, others for one year, and practically all could reduce the tax levy for one year by 10 per cent or more. It is also apparent that taxpayers in subsequent years will be called upon to pay the tax delinquents' taxes as well as their own.

UNCOLLECTED TAXES OF TWENTY NORTH CAROLINA CITIES



Politics and the Law in Tax Collecting

A Forthright Statement of Faults in Our Present Methods of Taxation

No subject has so vitally engaged public attention, the legislature, the primaries and elections, defeats and successes in political campaigns than the ever present, ever recurring subject of taxation, and none has precipitated more acrimonious debate. And yet no other subject is so lacking in enthusiasm, so bereft of any thrill, or so wanting in inspiration, nor is any other public question so far from settled.

In our work, of course, we are dealing with ad valorem taxes, and are not concerned with the various forms and graduations to which the federal government has resorted, especially since the nation has been at war. I have had some accidental experience with taxation, and, of late, intimate association with delinquent taxes.

The legislature of 1933, for reasons best known to itself, forgave all taxes for 1926 and back (Michie Code 8034-g), and so wrote the law that it is not a statute of limitations, but an obliteration of those taxes. It was the manifest intention of the legislature to forgive every person who had not paid his taxes up to that time the entire amount. The wisdom of this action was questioned by some of the best minds we had in the state at the time.

What Price Good Citizenship?

As illustrative of the disparity of treatment of the citizenship, I have in mind two men who owned a farm each of about 100 acres of equivalent fertility, divided only by a ditch,—the two men possessed of about the same equipment in stock, utensils and practically the same family help, growing cotton, tobacco and other crops and vegetables. The two men had, therefore, the same opportunity to pay their ad valorem taxes. One did, but the other did not. The legislature came along in 1933 and relieved one of them of his taxes because he had not paid them for the years up to and including 1926, thus placing a premium on slothfulness. One of these men asks why he, having sweated and denied his family



By D. M. STRINGFIELD
Cumberland County Attorney

through the years to pay his taxes, if the action had any justice, should not get his money back to make investments in other property as his neighbor had done.

And he is asking now why so many people relieved then are delinquent again, while he bears the heat and burden of the day to discharge his inescapable obligation. Of all the inequality ever visited upon a people by their legislature, of all the mistakes which in sound public policy could find no excuse, of all the blunders which today are giving rise to a demand for repeated similar action for the relief of the same class of tax dodgers, of all the misadventures which did then and does now encourage a semi-anarchistic element to assume that in the end they will not have to pay taxes, the action of the 1933 legislature was the worst.

Back to Raleigh

An examination of the lists in my county will show that, generally speaking, people who had their taxes forgiven in 1933 are the same people who have not paid any taxes since, and are now again in arrears since 1926—and if forgiven again they would remain in the same condition. It is rumored that the legislature of

1943 will be bombarded for more such relief. I do not know how widespread the demand will be. I do know that I will be in the house of 1943. I wish nominees here, if such there be, to understand that if and when these people come to Raleigh next spring with any such campaign they will have me on their hands.

Many counties are making a serious effort to collect their delinquent taxes by a vigorous prosecution of foreclosure suits. Guilford and Wake, for instance, are counties I happen to have learned of. No doubt there are others.* My county is making an effort in this direction, if it is not too little and too late. The arrears wide spread over the state, especially in the small and more backward counties (and some large ones as well), constitute a sum of money so staggering that a contemplation of it tempts one to lose faith in our entire system of taxation.

Politics in Tax Collection

There are places in the state where the tax books are actually used to get elected on, while the mountainous sum rises higher and higher in appalling inequality. If this condition is allowed to continue until the aftermath of the war, when good citizens and bad citizens are alike depressed, I freely predict that it will bring about a complete collapse of our taxation system.

No apology is due for active participation in partisan politics. There is nothing criminal or degenerate about it unless crooked men make it so. Worthy men who are capable of administering the affairs of government must take an interest in politics; and there is a fascination about it which tempts honest as well as dishonest men. The entire governmental setup is administered through partisan politics, which, like the poor, we have with us always.

But of all the governmental departments from which politics will have to be divorced, if any remedy in existing conditions is to be found, it is from the tax collector's office. So long as his job is dependent upon or

* For a description of Cleveland County's delinquent tax work see "Collecting Delinquent Taxes," by Ray E. Brown, in the June, 1942 issue of POPULAR GOVERNMENT.

referable to politics, just so long will the commissioners look in vain for a solution to the problem of delinquent taxes.

What is the remedy for this differential in the treatment of our citizenship? Surely one must be found. Leaving out of consideration such minor improvements as might be written into the Machinery Act of 1939, to my mind there is at least one remedy. Some of you who are laboring to bring about reforms will be surprised to know that in many counties the sheriff and tax collector are one and the same man. Could a county seat such as that expect to keep its tax books current under our political system? Divorce the tax collector's office absolutely from any connection with the office of the sheriff, making the tax collector an appointive officer in every county in the state. If this divorce is not total, absolute and forever complete, then remove the tax collector from the remotest reach of politics. Give the tax department the services of a safe executive counsel, with sufficient help of title searchers, stenographer and the like. Give the county attorney unalterable instructions to sue every delinquent who owns lands. The Machinery Act is not perfect, but we can at least divorce a man of his title in a tax foreclosure suit. It makes no difference if the taxes have eaten up the land. The county can buy it and sell it for what it is worth or less. In this way only can a delinquent tax list again become a going concern.

Collect Taxes Now

If a man cannot pay his taxes now, when could he pay them? Certainly not in the depression which almost invariably follows a war. I know that many safeguards have been provided against a post-war depression. War Savings Bonds and other government obligations have been so drawn that they cannot reach the stock market to fluctuate, and a desperate effort is made to prevent inflation and deflation. At the same time, one would be foolish to assume that no sort of economic dislocation will follow this war. The debts incurred now will be paid in generations yet unborn, and children yet not in being will suffer the worst. There is money now everywhere. If we fail to collect our ad valorem taxes now, what chance will we ever have?



By
**SAMRAY
SMITH**

Staff Member
Institute of
Government

A few weeks ago the word "trillion" appeared for the first time in national finance. A daily financial report was headed "War Appropriations Near Quarter-Trillion Dollar Mark." An astute business man who has been watching for this very event compared it to the moment on a roller-coaster ride when you stop holding yourself in and holler "Whee!"

Local governments, trying to stay off the roller-coaster while they push it along, are having no trouble holding themselves in, hedged in as they are between discriminatory laws on collecting revenues as pointed out in D. M. Stringfield's article in this issue of POPULAR GOVERNMENT, arbitrarily raised salaries as discussed by Ed Butler at the county commissioners' convention, and a widespread public demand for lower tax rates based on increased revenues for the last fiscal year.

55% of National Income

Of this quarter-trillion dollar appropriation, the federal government managed to spend 26 billion dollars last year—25% of the national income—and plans to spend 55% during the current year. Internal revenue collections nearly doubled last year, from 7 to 13 billion; to this total North Carolina contributed 489 million, as compared with 394 million the year before. North Carolina corporation taxes jumped from 24 to 44 million, income taxes from 13 to 32 million; this year one out of

The Fiscal Upheaval

How Far Do the Record Revenues, Expenditures and Surpluses of the Year Just Ended Cast Accurate Shadows of Things to Come?

four of us will fill out income tax returns.

In the State of North Carolina the current revenue picture is the same, the outlook different. North Carolina closed out 1941-42 with the unheard-of surplus of nineteen million dollars from an unheard-of revenue of one hundred million. Corporate and individual income taxes increasing 56% during the first five months of 1942 over the same period last year accounted for a large part of the surplus, and may continue to boom, but revenues from the sales tax will inevitably decline as consumers goods disappear from the store shelves.

The Honeymoon Is Over

In any case, the honeymoon is over. Total state revenues for July, 1942 were one and a half per cent less than for the same month last year, which also, of course, was a record-breaker. Gasoline taxes for the first five months of 1942 already showed a decline of 7.35% from the revenue for the same period last year, and gasoline taxes amount to about a third of total state revenues. They are now down a third and will soon go to 40%. Motor vehicle taxes for 1943 offer another serious problem—there is sure to be pressure from the mass of car owners, the A's and the B-1's, to price license plates on a use instead of an investment basis.

In the face of an uncertain future, conflicting proposals for the use of this windfall surplus are being anxiously pondered in Raleigh and throughout the state. The governor is keeping his own counsel, saying that he will make recommendations to the General Assembly at the proper time, but Charles Johnson, State Treasurer and Director of Local Government, has already proposed that the state's reserves be built up for speedy debt-retirement. Debt payment is no less patriotic than a more direct investment in war activities—not only does it reduce debt service costs, it strengthens

credit, thereby helping to stabilize the financial structure against inflation. The State of North Carolina and its cities and counties, unlike the states and local governmental units of the country as a whole, have been reducing their total indebtedness during recent years, the state seven and a half million annually and local governments almost as much. As a consequence the state can borrow money at as little as .86% interest, and the cities and counties, none of which is in default, at proportionately low rates.



CHARLES M. JOHNSON

State Treasurer and Director of Local Government, whose ideas on what to do with the surplus are summarized below

Reduce Rates and Pay Debts

Mr. Johnson has repeatedly urged that lower ad valorem tax rates are consistent with a sound debt-reduction program. Increased valuations, improved collections, and unusual surpluses give weight to his position. In Guilford County, for instance, which has continued to depend on its established industries, valuations were up \$4,777,713 in 1941 over 1940. In spite of a decrease in lots and commercial property of one million and other smaller losses, industrial properties were up five million and farm land \$2,350,324. Among the smaller counties Lenoir has increased an estimated \$600,000 in valuation this year; among the cities, Charlotte has increased seven million. As a consequence, tax collections are better over a large part of the state, and prepayments are setting new records. Columbus County collected 99.47% of its levy last year, improving a shade on the traditional 99.44% purity. Lenoir ended the year with a balance of \$64,915, as against \$336 the year before.

Revenues in New Hanover and Wilmington, though by no means typical of the entire state, are a revelation of the changes, for better and for worse, that may be expected in the future. Collections in Wilmington were \$184,784 above last year's record, leaving a surplus of \$104,529, as compared with less than \$10,000 for 1940-41. In New Hanover

revenues, including federal and state funds increasing from \$139,514 to \$474,499, were a cool million higher than last year, leaving a surplus of \$381,546 as compared to \$96,046 the year before. General expenditures increased during the same time from \$48,004 to \$221,745; school expenditures from \$90,432 to \$436,332, \$98,000 of which went for defense training.

Tax Rates Down

In view of these facts, and in spite of demands for new and expanded public services and rising costs, a sampling of counties and cities which have already set their tax rates shows that only three cities have higher rates this year than last, while eight cities and six counties are lower than last year and five cities and six counties remain unchanged.

The delinquent tax situation, discussed fully in the preceding two ar-

ticles, must enter into any picture of local government finance. In 1938, delinquent taxes on city and county books totaled seventeen million dollars—to date the figure would run to an estimated twenty million. In agreement with Senator Stringfield's position, John Skinner at the County Commissioners' convention recommended appointive tax collectors for all counties as one solution of the difficulty, and made other recommendations which were embodied in the resolutions. Governor Broughton pointed to the one-third decrease in highway revenues as an example of the situation with which counties may be faced as wartime restrictions curtail normal business activities, and made the same statement about city and county surpluses as about the state surplus, that "it should in no sense be deemed a green light for unsound or reckless public spending."

Parker Directs Publicity for State Office of Civilian Defense



CHARLES PARKER

The information division of the State Office of Civilian Defense is now under the direction of Charles Parker, who resigned August 1 as manager of the State News Bureau to become assistant director of Civilian Defense.

A veteran newsman, having served as city editor of *The News and Observer* for seven years before taking

over the state news post, Parker will be responsible for keeping the public informed through both press and radio of the rapidly expanding civilian defense program. He will also, through a weekly bulletin, keep council chairmen and other officers of the protective and service organizations posted on latest developments.

The head of the information division is no stranger to the job, having served as publicity representative for the state office in volunteer capacity since the U. S. entered the war. As the OCD program grew, however, it became apparent that its public relations could not be handled on a part time basis.

Parker is a native of Raleigh, an alumnus of the University of North Carolina, Class of '22, and began his newspaper career with *The News and Observer* in that year. In 1925 he went to the Raleigh *Times* as City Editor, and the next year followed the Florida boom to become City Editor of the Palm Beach *World* and later the Sarasota *Herald*. He returned to North Carolina in 1927 where he worked briefly with the Greensboro *Record* and the Associated Press before rejoining the staff of the *News and Observer*.

Local Government During the War and After

Its Problems and Its Prospects as Seen in the First War-Time Convention of the Associations of County Commissioners and Accountants

The two main problems which county government faces today were put on the table in fighting speeches at the Asheville convention of the County Commissioners and County Accountants of North Carolina. D. M. Stringfield's address and comments by other speakers appearing elsewhere in this issue were addressed to the most pressing of these questions: How can counties continue to pay for the services they perform, hedged in as they are between discriminatory restrictions on collecting revenues, arbitrarily raised salaries, and public demand for lower tax rates? But closer to the hearts of all local government officials is this question: How much governing can the counties continue to do?

Demerits for Merit Council

E. K. Butler, County Manager of Robeson County, addressed himself to an invasion of local authority that



N. H. G. BALFOUR of Hoke, retiring president, with JOHN McGOOGAN, Hoke County Accountant, of whom Mr. Balfour said in his presidential report: "He has a wealth of experience in local government activities, and combined with his sound judgment and common sense he has been loyally ambitious that Hoke County and this Association were heard from during the past year. His assistance has been invaluable to me, and I take this method, over his protest, of expressing my appreciation."

is a sore point with county commissioners throughout the state. "It is hard for me to understand why, under the Social Security Act of 1937, as amended and amended, you as commissioners and taxpayers do not have the authority or the privilege of appointing the personnel, of deciding who is to receive old age assistance, aid to dependent children, or aid to the blind." He spoke in similar terms for publication of the names of those who receive public aid, and against a salary scale for welfare departments set by the Merit Council under an arbitrary classification which does not make allowances for salaries in offices of like importance in the same county.

State Treasurer Charles M. Johnson echoed these sentiments, and N. H. G. Balfour, Chairman of the Hoke County Board of Commissioners, said in his presidential report: "The result of the Merit System, in our section of the State, has been a forced increase in the over-head costs of the welfare and health departments, this despite the fact that we are faced with declining revenues, due to war restrictions."

Common Misunderstandings

Without going into the merits and demerits of the present system of public assistance, R. Eugene Brown, State Director of Public Assistance, pointed out some common misunderstandings of the present act. County welfare superintendents are required to send the names of persons receiving public aid and the amount of the grant to the county commissioners, and the commissioners have the power to review all cases, including the right to take their own action on each case, sending a copy of their order to the county and state welfare officers, after the county department has passed on them. "I should hate to see you take the job of investigating these cases out of the



MARK GOFORTH of Caldwell, newly elected president of the Association of County Commissioners. J. Henry Vaughan of Nash is the new vice president. The Association of County Accountants elected J. S. Benner of Beaufort president, J. E. Haynes of Rowan vice-president, and Miss Flora Wyche of Lee secretary-treasurer.

hands of the welfare workers, because they are qualified to do it," Mr. Brown said, "but I should like to see you have joint meetings with the board of public welfare to discuss policies and procedures in granting relief." He suggested that the secretary of the county commissioners association clear with the state board on general problems as they come up. "I have said and still say," he continued, "that I think your biggest protection against getting unqualified persons on the relief rolls is to have a competent staff of public welfare workers." Reasonable familiarity with federal and state merit system regulations is obviously a further protection. Dr. Frank T. De Vyver, Supervisor of the State Merit System Council, pointed out as an example that these regulations do not require, as some commissioners believed, that salaries be raised one step every six months; all that is said is that they may be raised.

As for the requirement that the names of those receiving public assistance be withheld from publication, he pointed out that the ultimate goal of public assistance is rehabili-

tation, and that rehabilitation is virtually impossible if a person has been publicly advertised as a pauper.

The counties of North Carolina contributed 29% of the \$8,818,810 spent for public assistance and its administration last year. The Social Security Act requires that all the counties in a state operate under the merit system before federal funds,



E. K. BUTLER
Robeson County
Manager, who
touched off the
fireworks at the
Convention

about 50% of the whole, are made available to any of them. This is the law, and any desirable changes in it must be taken up with congressmen.

Federal Control—Local Administration

G. Maurice Hill, Associate Director of the Institute of Government, pictured the Social Security Act as the ground swell of a tidal wave of centralized governmental controls. "The government tells you how much business you can do this month and how much profit you can make, and everything that affects you may of necessity go under that control. That is entirely foreign to the way of life to which we have been accustomed for these past generations. I think the present attitude of many of you is to fight that current and I can understand why you feel that way. I think you are bucking something you can not lick and I think there is one answer that might be a solution, if you apply yourselves to it, if you can find some way to bring your efforts to bear on it. If we must have nationwide control of prices, business, and everything else, then let's insist on having local administration. Let's let you men, or men from your communities whom you select or appoint, administer those programs, because if we do not we shall find one of these days that instead of having a democratic form of government we shall

The Association Resolves:

That no license be issued by the state or any political subdivision thereof, except marriage licenses, unless the poll and personal property taxes have been paid for the preceding year.

That the Association be given representation on the State Board of Welfare and on the Social Security Board of North Carolina.

That the action of the Legislative Committee during the session of the legislature be the official action of this organization.

That this organization inform the North Carolina legislature that it objects to any exemptions of homesteads from taxation or any other exemption that will increase local taxation.

That such legislation as is necessary be passed which will enable the county commissioners to purge relief rolls and reject all persons appearing thereon who are found not to be qualified.

That the State Association of County Commissioners request the War Production Board to give priorities on all orders given by counties for permanent records and files.

That we hereby pledge ourselves in our official capacity as responsible for the administration of our counties to be alert and responsive to every demand made on our counties both for offensive effort in the war and for the defense of our people, homes, and business. We commend and indorse the program of civilian defense, the conservation program, the war bond program, and all efforts of the USO and other agencies for soldiers, sailors, and other work-

ers. We are proud in our several counties to be the hosts of soldiers, sailors, airmen, and marines, now engaged in training and on maneuvers. It is our firm purpose that our counties may each and collectively serve in every effort for VICTORY.

Whereas, forest land represents about sixty per cent of North Carolina's total land area and is therefore a highly important source of tax revenue for the county governments; and

Whereas, the proper protection of this vital natural resource is a highly important public duty, especially in this time of war, when the use of wood as a substitute for metals is tremendously increased; and

Whereas, both naval and military authorities have this spring pointed out the serious interference of forest fires and fire smoke with defense activities in the state and have urgently requested greater effort to prevent and control such fires; now, therefore,

Be it resolved, that this association do urge upon the governor, the general assembly, the congress, and its own members the need of providing for adequate forest-fire control throughout the state.

That this Convention extend its appreciation to the Local Government Commission and to the Institute of Government for the service they are rendering to the local governments of North Carolina.



JOHN SKINNER
of Warren, beginning his twenty-fourth year as Secretary-Treasurer of the Association

have a bureaucratic government, with a group of men at the top who must necessarily perpetuate and maintain the power they wield."

Something for Nothing

Electric users in Edeton were agreeably surprised last month when they opened the familiar envelope which usually contains the monthly bill for electric current. Instead of a bill the envelope contained a notice to the effect that the Board of Public Works, thanks to an accumulated surplus, was making a present of the current used during the month to its customers. The bills would have totaled \$4,000.

FAITH, WORK AND PLAY IN WARTIME

First of a New Series of Articles by the Dean of Administration
of the University of North Carolina

R. B. HOUSE

If I had to give a formal title to these remarks it would be "Mental and Moral Hygiene in a Time of Crisis," but I want to point up my remarks in three words—faith, work, play.

Our objective, no matter what our job may be, is victory in this war. Victory without faith is impossible; faith without work is dead; and work without play is wasteful and ineffective.

It is history which teaches us to have faith and that bright child of faith—hope. Some thousands of years ago the Prophet Elisha by his moral and intellectual integrity based in faith constantly out-thought and out-fought the great King of Syria. The King sent a whole army to capture Elisha and put him to death. This army surrounded him in the little city of Dothan circled by the hills. Elisha's young servant looked out at the army on the hills and cried, "My master, what shall we do?" Elisha replied, "Fear not, they that be for us are more than they that be against us." Then he prayed, "Lord, open the eyes of this young man that he may see." The Lord did open the young man's eyes and he saw the horses and chariots of the Lord on the encircling hills.

This is a poetic story. We cannot see the horses and chariots of the Lord, but we must know in our hearts that they are there. I think that the witness to these unseen forces of help is our conscience. I think that the best remark I have heard about the war was made not by a prominent man asking a statement, but by a simple hearted man trying to do his daily job. He said, "We have made many mistakes in this war and I don't regret a single one of them. We have been trying to keep the peace, we have found out that we cannot do it, and now we can fight with a clear conscience." It is the function of a clear conscience to draw on faith and thus to integrate a man from the inside out.

A Soldier's Pay and a Soldier's Insignia

As to work, I think that work is identical with fighting. If I were absolute in power I would do only one thing: I would place on every man, woman, and child his particular job. I would give him a soldier's pay and a soldier's insignia. We have a great tendency in a time of crisis to chase around trying to find what to do. The great poet Goethe remarked that he had passed through a time of great crisis—the American Revolution, the French Revolution, and the period of Napoleon. He said that he observed a tendency in all people at a time of crisis for each man to leave what he was doing and to try to do something else, stimulated by the drama of change to think that change itself must be an improvement. This, remarked Goethe, added to confusion. He said that his counsel was to bring order out of con-



fusion by counseling each man to do excellently his own particular job. Confucius also remarked that the impulse to do the world good in a time of crisis was a healthy impulse. Now, said Confucius, the way to do it is first to rule yourself, second, to rule your family, and then from that perfection of self and family you will influence your neighborhood, your country, and even the world.

Swords of the Spirit

As to play, I consider play not only worth while in itself, but as the only way in which a man can recreate his powers for working. Everybody who works today is in some way forging himself into an element of that great religious figure, the Sword of the Spirit. A sword is made of steel, and a sword is no good unless the steel keep its temper. Our very virtue of concentration and the steady rhythm of our working is our greatest weakness when it comes to relaxation, play, and recreation. We are so thoroughly caught up in the rhythm of working that this rhythm tends to continue when our working hours cease for the time being and we ought to play and refresh ourselves. We literally have to learn to quit with our minds when we quit with our bodies.

There are two main resources of a recreational nature: First, learn how to divert the mind with congenial hobbies. Never mind what the hobby is, the chief question is does this hobby really divert the individual's own particular mind, refresh him, and enable him to fill his leisure moments with a change of activity? There was once an old negro who started a balky mule by putting a handful of dirt in his mouth. Somebody asked the old negro what good the dirt did. "I don't know," said the old negro, "but I think it changed the current of the mule's thinking." It is the function of a hobby to change the current of our working day thoughts.

Seers, Hearers, Sayers

The second great resource in leisure time is to feed the mind on what it hungers for without knowing it while it is being limited in its range and scope by the conditions of the day's job. Reading to me is the greatest resource of this kind, and of all reading by far the greatest to me is the Bible. People say they have no time to read the Bible, but I did read the Bible at lunch time on my bunk in a training camp in the last war while I was working from 5:30 in the morning until 9:30 at night. Next to the Bible, I would place poetry because the poet increases our powers in three ways: he really sees what most of us see at; he really hears what most of us hear at, and he really says what most of us say at.

Civilian Defense in the Smaller City

Reidsville's Commander, Who Has Met Typical Problems with Notable Success, Uses New Ideas and Old Principles

By

J. C.
McDIARMID

Coordinator
Rockingham
County Civilian
Defense Council



Personalities play an enormous part in any public program. Old established leadership, business success, and social prominence take decided priority in the appointive type of organization. The civilian defense organization with its uniforms and control center is akin to the military set-up of a regiment. It was outside the experience of many, and beyond the comprehension of a few. The task of calling for semi-military performance from an organization composed of non-regimented individuals is indeed a difficult undertaking for the non-initiated and inexperienced.

Add to this an appalling public apathy, growing from a feeling of remoteness from the conflict, and the magnitude of the task of organizing a going citizens defense corps in a city such as Reidsville can be appreciated. Since America still measures distances by highway miles rather than air miles, the people of any town away from the coast are apt to develop a "let the other fellow do it" attitude, a feeling of irresponsibility toward civilian protection.

Of North Carolina's 1,000,000 urban population, about half live in cities of 10,000 or less. In setting up their Citizens Defense Corps, they have had to face the fact that OCD blueprints are drawn up for cities of 100,000. To find out how North Carolina's average city was cutting down these baggy clothes to its size, POPULAR GOVERNMENT asked J. C. McDiarmid how he had launched his successful organization program, and what advantage, if any, he had found in Reidsville's smaller size.

Training from the Top Down

A harassed board of commissioners, business men worried over shortages, price ceilings, rationing, soon found out that a paper organization just didn't function unless there was someone to give his entire time to it and make it function. When they and the defense council realized that this paper organization was not enough, they sent the appointees to the defense school at Chapel Hill. The graduates of this school had their minds and eyes opened. Under the skillful and able leadership of Albert Coates, Director of the Institute of Government, all the known aids to instruction were combined to play upon the five senses. The result was instant and insistent action to find a coordinator who not only had a thorough understanding of the problem but almost unlimited time to devote to the task. The choice was made, and on the new coordinator's return from a like conference he persuaded public officials that in order to speak the language of civilian defense, they should also attend. The body cannot perform until the head is informed.

Publicity

The coordinator further realized that public information was the only way to combat public apathy. The *Reidsville Review* reaches 4500 subscribers, and generously cooperated in publishing announcements and other publicity. The coordinator realized that such patriotic service should not be imposed upon, and endeavored to request newspaper publicity only when necessary.

For those who did not read newspapers, the following supplementary publicity was devised. The civilian defense bulletin board, erected at the base of the Confederate monument, situated at the most important strategic street intersection in town, was the vehicle for not only informing the public step by step of the progress of civilian defense, but was also the means by which the various components of the organization were in-

structed as to which particular phase the coordinator wanted stressed. Our Speakers Bureau always took its cue from the bulletin board. This arrangement alone saved untold time and expense—time saved in countless meetings to explain to the organization what was wanted, money saved in post cards, letters and radio broadcasts. The bulletin board always carried a picture to strengthen the brief printed announcement.

Handshaking Sunday

The automobile has practically destroyed the old American custom of calling on your neighbor, sitting on the porch to gossip and to discuss people and events. It's an old custom, inherent in all races, but the automobile has almost erased it. Why not resurrect it with a bang? It would heal petty breaches, make some people laugh perhaps, but it would raise the query "What is civilian defense? What are we going to do about it?" A proclamation by the mayor was devised and published in the newspaper, printed on the bulletin board, and read from every church pulpit in town. Mayor Hester proclaimed a Handshaking Sunday during which



REIDSVILLE'S CIVILIAN DEFENSE BULLETIN BOARD

citizens were asked to speak to everyone they met and ask two questions: "What are you doing for civilian defense?" and "Will you volunteer for service if asked?" If the answer to the first question was "Nothing," the answer to the second question, in front of your neighbor, would certainly be "Yes."

Another aid to publicity and to administration was the Idea Box. A small, hinged-top, wooden box was affixed to a telephone or light pole in the center of each warden's zone. The public was asked to use them for all ideas regarding civilian defense, and to answer such questions (asked in the newspaper) as "Did you hear the sirens?" The response was most gratifying, and the Idea Box kept down phone calls. It was a check on organizational development as well as a "criticism catcher."

Control Center Set Up

Now that public interest was aroused and everybody wanted to do something, the beginnings of a Citizens Defense Corps was gathered into the volunteer office on the ground floor of a building in the busiest part of town and put to taking the prescribed courses. As quickly as possible, working on Saturdays and Sundays, a real book model control center was established, and a civilian defense office with two secretaries.

But we have short memories, and sustained interest can only be kept up by a slow fire. There will be calls for a blackout. Put 'em off, let 'em beg until they have worked and qualified for it. Then announce and advertise it, and post the results on the bulletin board. The novel, interesting aspects of civilian defense must not be thrown out as pearls until they have had time to grow and reap their full value.

Training is easy to handle if the heads of each department are themselves trained in special schools. The Red Cross in Reidsville was equipped to give first aid, the State Guard unit gave the requisite military drill. The distribution of arm bands was made an occasion of due importance. Lag-guards were brought up to scratch by refusing to issue bands to anyone who had not registered and completed the majority of his training; and they were given not as diplomas but as licenses to practice, with a full

understanding that it was for the wearer to start now the exercise of his profession.

Reidsville has made good progress in training: There are 300 air raid wardens; the other emergency services are up to recommended strength; and 390 citizens have taken the standard 20-hour first aid course. Altogether, 1,056 people have taken some type of training.

Activity vs. Apathy

Each division of the organization must be given something to do. In Reidsville, for instance, the attics in the buildings of one city block were inspected each week. The inspectors, one regular fireman accompanied by two auxiliaries, made a report to the fire chief, who in turn gave it to the coordinator, who in turn sent a signed copy of each report to the affected property owner. A double benefit accrued. The property owner felt that



THE IDEA BOX

someone was interested in his welfare and became defense minded, and the auxiliary fireman was made confident of his own ability.

Dangers of the Future

There appear at present to be two grave dangers which menace the continued successful administration of civilian defense in any community: loss of directive and the danger of mental and moral surrender of the rank and file due to the success of the great aerial blitzes against Cologne and other German cities.

The American public must, it seems, personify a group or a movement. In smaller communities it is natural for them to think of the most active person, whoever he may be, as the organization or group or move-

ment with which he is connected. The coordinator, therefore, must expect to represent civilian defense to the greater part of the people in his city or town, and he obviously ought to be a permanent institution. The present voluntary basis of service works against this to some extent.

Psychological Mobilization

The future of civilian defense will continue to be difficult and fraught with many disappointments so long as, "differing basically from the local defense councils of 1917," those of 1942 aim at the physical rather than the psychological front. "In 1917 local governments aimed at psychological mobilization for unity and determination, whereas now the federal government is performing that function and the communities are accenting air raid precautions, first aid courses, and blackouts."* The two phases must be combined. Not only is the 1942 model 50% deficient, but its exclusive use will eventually result in the premature demise of civilian defense. Americans will not jump through the hoop just because they are told to do so—they must be made to want to jump.

Meet Dangers Before They Arise

What steps can be taken to meet these potential dangers before they arise? Lack of facilities and materials as well as the active prohibition against many forms of property replacement must be emphasized in a slow, steady drive to accentuate the value of present property and to urge its protection against fire and sabotage. Civilian defense films with happy endings can be used to combat moral deterioration, and frequent personal contacts with the heads of each division and their key groups should be arranged.

The springs of human action are variables in the individual, but standardized in the body politique. He who would secure that human harmony so essential for victory, must indeed touch the keys with a knowing hand to produce at times the lighter tones of Schubert, or again—should the occasion warrant it—the crashing crescendo of a Sousa.

* "Municipal Appropriations for Civilian Defense," U. S. Department of Commerce, special study 21.

Is Freedom Worth the Price?

A new pinnacle of war finance was reached on June 30 when Congress appropriated to the War Department for the coming fiscal year the truly amazing sum of 42.8 billion dollars. It is more than the entire cost of our participation in World War I. This tremendous grant swells the three-year total to over 200 billion dollars. Never in the history of the world has a nation poured forth such a torrent of wealth to be used in its own defense.

We Americans are a peace-loving people. In fact, the Nazi theorists used to say that this was what was wrong with the United States; we were a nation of luxury-lovers and easy livers. They are about to find out that Americans can be tough and hard when their precious liberties are threatened by a scheme of international slavery.

The American people realize that, costly and wasteful as war may be, the only other alternative would be infinitely more costly. For we prize our liberty far above our material wealth and would gladly pour out ten times that sum to protect our freedom and the American way of living.

War or Bondage

War is prodigiously wasteful, it is true, but all history points to the inescapable fact that nations must sometimes be willing to fight or face utter disaster.

The city-state of Athens in its prime built up one of the highest levels of civilization the world had ever seen, only to find it faced with destruction by the invading Persian hordes. The Athenian people were a peace-loving folk too, more interested in cultural affairs than they were in war-making. But when they saw their way of life menaced by the barbarous Persians, they rallied to the defense of their city-state regardless of the cost of life and treasure. At Marathon and Salamis they showed that free men can be invincible when defending their freedom. And at Thermopylae they proved that free men are not afraid to die for the cause they love so well.

The great Roman Empire was threatened in the same manner by



By
**EDWARD
BAGBY
POLLARD**

Born in Washington, D. C., and a graduate of the University of Pennsylvania, Edward Bagby Pollard was engaged as a writer with an advertising agency for twelve years. He has recently come to Chapel Hill, where he is a frequent contributor to magazines and newspapers. Governmental interests run in the family—former Governor Garland Pollard of Virginia is his cousin.

the war-mongers of Carthage led by Hannibal and Hamilcar. Disregarding cost of life and treasure, the Roman citizens sprang to the defense of their civilization and beat back this threat to their lives and liberty. It was only when the citizens of Rome had become soft and incapable of defending themselves that the barbarous Germanic legions swept down from the north and overran the city.

In our own War of Independence the struggling patriots, with total disregard of cost in blood and money, fought a winning fight against a numerically superior power and won the right to be called free men. America was founded on the tradition that nothing is more precious than liberty and the right to self-government. The great achievements of the free American people are the living proof of the wisdom of this belief.

Today the United States, in voting the largest war appropriation on record, is giving notice to the dictator powers that we have not forgotten the lesson of history and stand ready to pour out our wealth in an overwhelming torrent to preserve liberty for ourselves and for men of good will everywhere.

42.8 billion dollars?

It's worth every cent of it!

OUR FLAG SPEAKS

The winds that blow around the world

Now ripple through my bars,
In every place I float unfurled
I flaunt my gleaming stars.

Red, white and blue now wave aloft
Above Australia's shores
And China's fighting men have oft
Espied me at their doors.

O'er Africa's dry burning sands
Old Glory flutters free,
While sons of Eire have joined hands
Defending liberty.

I've felt the chill of Iceland's frost
Upon each flapping fold,
I've sailed the seas in ships wave-tossed
To tropic isles untold.

I am the way, the light, the truth
That lead to freedom's goal
And men shall follow me forsooth
Wherever war clouds roll.

When comes the day of victory
I still shall lead men on
From curse of war and slavery
Into a brighter dawn!



WILLIAM MEADE PRINCE, North Carolina artist and illustrator who made the tracing of Isaac Avery's message reproduced on the back cover of this month's POPULAR GOVERNMENT. For Collier's, The Saturday Evening Post, Cosmopolitan, and in fact practically every magazine of national circulation, Mr. Prince has illustrated the stories of such interpreters of the southern scene as Roark Bradford, Marjorie Kinnan Rawlings, William Faulkner and James Street.

Bulletin Service

Recent opinions and rulings of the Attorney General of
special interest to local officials



Prepared by
George Riddle, Jr. of the Staff of the Institute of Government

HARRY
McMULLAN

Attorney
General
of
North
Carolina



I. AD VALOREM TAXES.

A. Matters Relating to Tax Listing and Assessing.

1. Exemptions—religious and educational organizations.

To Rev. A. S. Parker. Inquiry: Where a church inherits a vacant lot from which no revenue has ever been realized, but which is not used for religious services, is such property subject to ad valorem taxation?

(A.G.) Unless there are additional facts not appearing in your letter, it is my opinion that the property would not be exempt from ad valorem taxes.

Article V, Section 5, N. C. Constitution, provides that the General Assembly may exempt property held for religious and certain other purposes. Pursuant to this section, the General Assembly, in Subsection 3 of Section 600 of the Machinery Act of 1939, as amended, that buildings, with the land on which they are situated, lawfully owned and held by churches or religious bodies wholly and exclusively used for religious worship or for the residence of the minister of any such church or religious body, together with the additional adjacent land reasonably necessary for the convenient use of any such building shall be exempt from taxation.

In construing this section, the Supreme Court, in *Harrison v. Guilford County*, 218 N. C. 718, reiterates the rule that statutes granting tax exemptions because of the purpose for which property is held and used, are to be construed strictly in favor of taxation and against exemption.

In *Sparrow v. Beaufort County*, 221 N. C. 222, it was held that property owned by a church and rented for commercial purposes, and the rent used for religious purposes, is not exempt from taxation.

5. Exemptions—city and county property.

To S. L. Johnson. Inquiry: Where a county purchases, from the owner, property on which there are delinquent city taxes, can the city collect such delinquent taxes from the county?

(A.G.) It is my opinion that when the county acquired title to the property, it took same subject to the delinquent taxes owing to the city, which were a lien on the property at the time of the transfer of the title. See Sections 1401 and 1704, 1939 Machinery Act.

19. To whom property is assessed.

To J. L. George. Inquiry: Where property is listed for taxation in the name of the person who had contracted to buy it, but who has not received a deed for it, how can the property later be listed in the name of the true owner?

(A.G.) It seems to me that you could use the method outlined in Subsection 10 of Section 701 of the 1939 Machinery Act, as amended, or you could allow the true owner to sign a listing of this particular piece of property and release the person who actually does not own the property.

50. Listing and assessment of property.

To Charles L. Jones. Inquiry: Will a person listing taxes in a municipality on January 1 be liable for such taxes when he thereafter moves into another town or city?

(A.G.) The fact that a person moves from a town or city in which he or she lists taxes for a particular year would have no effect on the liability of such person for the taxes levied for that particular year.

PREPAYMENT OF TAXES

To D. G. Wilkie. Inquiry: Does Section 1706 of the Machinery Act make it mandatory on the part of the Commissioners to accept prepayment of taxes?

(A.G.) It is my opinion that a taxpayer has the right to make a prepayment of his taxes at any time between July 1 and October 1, and that the proper county authorities would be required to receive such taxes and issue a receipt therefor as provided in Section 1706.

B. Matters Affecting Tax Collection.

65. Tax collection—garnishment.

To S. L. Johnson. Inquiry: May a municipality withhold wages due to its employees for the purpose of paying delinquent personal property taxes due the municipality from the employee?

(A.G.) Section 1713 (d) of the Machinery Act of 1939, as amended, provides that a tax collector may attach wages or other compensation, rents, bank deposits, the proceeds of property subject to levy and sale or other property incapable of manual delivery. This Subsection contains a proviso that not more than ten per cent of wages or other compensation shall be liable to attachment and garnishment for failure to pay taxes.

To J. C. Beckwith. Inquiry: Can a notice of attachment and garnishment for the collection of delinquent taxes be served by mailing it to the taxpayer?

(A.G.) This is governed by Section 1713 (d) of Chapter 310, Public Laws 1939. The statute, in my opinion, contemplates actual service either by the tax collector or some other officer authorized to serve process.

I do not think that service by mailing such notice would be a sufficient compliance with the statute.

C. Levy of Special Taxes.

11. For health purposes.

To N. J. Sigmon. Inquiry: Can a county set up its health department budget as a special item outside of its general fund budget, or must the Commissioners include it in the general fund budget, subject to the 15c constitutional limitation?

(A.G.) In my opinion, a county may properly operate its health department

separate from the general fund budget. The department may be financed by a special tax levied under C. S. 7075, our Supreme Court having held that such tax is a valid tax levied for a special purpose and with the special approval of the General Assembly, in *Atlantic Coast Line Rr. v. Lenoir County*, 200 N. C. 494.

II. POLL TAXES AND DOG TAXES.

A. Levy.

7. Amount of levy.

To Robert A. Freeman. Inquiry: May a county levy a poll tax of \$2.50, 50c of the tax being used to pay interest on bonds voted for by the people?

(A.G.) The Constitution, Article V, Section 1, provides that counties may levy a poll tax upon each taxable poll in the county and in an amount not to exceed the sum of \$2.00. If a poll tax is levied in the amount of \$2.50, the ordinance levying the same would be invalid as to the excess over \$2.00.

Under Section 2 of this Article, the proceeds of the poll tax are required to be applied to the school fund and the support of the poor.

III. COUNTY AND CITY LICENSE ON PRIVILEGE TAXES.

A. Levy of Such Taxes.

11. For hire cars and transfer trucks.

To W. A. Dees. Inquiry: May a municipality levy a privilege license tax of more than \$1.00 per year of taxicabs operating within its limits?

(A.G.) The Supreme Court, in *Cox v. Brown*, 218 N. C. 350, held that a municipality was without authority to levy a privilege license tax upon the operation of passenger vehicles For Hire, in addition to the \$1.00 imposed upon motor vehicles generally, under the provisions of Section 61 of Chapter 407, Public Laws of 1937.

TAX ON COMMISSARY

To S. L. Johnson. Inquiry: Is an employer operating a commissary for his employees only, and not selling to the general public, liable for a local privilege license tax?

(A.G.) I am of the opinion that a person otherwise liable for any privilege tax is not exempted therefrom by the mere fact that his sales are confined to his laborers and do not extend to the general public. The sales are in direct competition with other merchants, and he derives a profit, therefore his activity comes within the purview of the typical privilege taxing statute.

45. License tax on amusements.

To Hubert Eason. Inquiry: Is a tent moving picture show, located within the corporate limits of a town, subject to a county privilege license tax levied on traveling tent shows, when it has been located in the town for six weeks and the owner intends to remain there permanently?

(A.G.) Both Sections 102 and 105, Chapter 158, P. L. 1939, provide that counties may not levy a license tax on the businesses taxed under those sections and since Section 103 levies a tax upon traveling motion picture shows not taxed under Sections 102 and 105, it is my opinion that if the operation described comes within the classification of and is licensed under either Section 102 or Section 105 by the State, then counties may not levy a tax on this business. If, on the other hand, this class of operation comes within the meaning of Section 103 and is a traveling moving picture show, the tax liability would arise under this Section and counties, cities and towns are authorized to levy a tax not in excess of that levied by the State.

I advise that if this operation fall within the classification described in Section 103 and if the admission charge is not more than fifty cents, including a reserved seat, and the performances are carried on continuously for as much as one week, then the \$7.50 tax would be due under your ordinance for each week or fraction thereof that such performance is carried on.

48. License tax on oil companies.

To Edward B. Hope. Inquiry: Is a distributor of petroleum products, who has paid the tax required by Section 137 of the Revenue Act of 1939, liable for payment of a municipal license tax levied on the retail distribution of fuel oil?

INQUISITION OF LUNACY

To P. H. Robertson. (A.G.) In an inquisition of lunacy the subject of the inquiry would, in my opinion, have constitutional right to be heard and to examine witnesses in his behalf, before any action should be taken at such inquisition by the presiding officer.

(A.G.) The answer depends on whether the business of the retail sale of fuel oil is covered by Section 137, since Paragraph (f) prohibits levying a municipal privilege tax against businesses defined in that section, except taxes levied under Sections 153 and 162½ of the Revenue Act. Since fuel oil is not expressly mentioned, this then depends on whether fuel oil may be considered a produce of "like kind" with those mentioned in the Section.

It seems to me that fuel oil is a product of like kind with those mentioned, since practically all are used as a fuel of some kind. It follows that a municipal privilege tax on the business of selling it, in addition to the taxes authorized in Sections 137, 153, 162½, is forbidden by the Revenue Act.

57. License tax on insurance companies.

To Mr. Joseph Branch. Inquiry: May a municipality impose a license tax on individual insurance agencies?

(A.G.) The license fees for insurance agents and companies were formerly prescribed by C. S. 6318. C. S. 6319 provides that no county or municipality may impose an additional tax on such business. However, C. S. 6318 has been superseded by Section 208, 1939 Revenue Act, which provides that companies paying the tax levied therein shall not be subject to any additional county or town license tax, and which applies only to insurance companies or associations issuing policies, and not to local agents who act as brokers.

Since C. S. 6319 has not been expressly repealed, and there is a presumption against implied repeals, Bunch v. Commissioners, 159 N. C. 335; Litchfield v. Roper, 192 N. C. 202, I am of the opinion that C. S. 6319 is still effective and prohibits municipal license taxation of insurance agents or brokers.

IV. PUBLIC SCHOOLS.

A. Mechanics of Handling School Funds.

26. Debt service budget.

To Dr. Clyde A. Erwin. Inquiry: Should indebtedness to the State Literary Fund be included in the School debt service budget of the county?

(A.G.) It is my opinion that the debt service budget of the county should include all countywide obligations, including the amount due the State Literary Fund. However, when the distribution of countywide debt service funds is made between county and city administrative units, obligations for capital outlay are not to be considered unless incurred prior to July 1, 1937, except in counties where special legislation has been enacted providing for the issuance of school building bonds in behalf of school districts and special bond tax units.

F. School Officials.

7. County board—contracting with members.

N. W. Shelton. Inquiry: Can a member of a school committee be employed as a school bus driver, janitor, teacher, principal, or other school employee?

(A.G.) Since such employment is made subject to the approval of the school committeemen, I do not think that a committeeman could be employed, as this would be a violation of C. S. 4388 which prohibits a commissioner of public trust contracting for his own benefit.

50½. Principals and teachers—discharge or suspension.

To J. C. Pittman. Inquiry: What is the proper method for discharging a teacher or principal of a public school?

(A.G.) If the local authorities desire to dispense with the services of a principal or teacher at the end of the term, it is necessary that notice be given by registered letter of the rejection of such employee, prior to the close of the school term, as provided in Sections 7 and 12 of the School Machinery Act of 1939, as amended.

The procedure to be used by local school authorities in discharging or suspending a teacher during the school term for cause is outlined in Sections 5508, 5560, 5513 and 5534 of Michie's 1939 N. C. Code.

62. Teachers' retirement pension fund.

To Philip J. Weaver. Inquiry: Where the boundaries of a city school administrative unit are greater than the corporate boundaries, what body should properly levy

LOCAL FUNDS FOR RECREATION CENTER

To Summersill and Summersill. Inquiry: May the Board of County Commissioners of a county appropriate, from the general county fund, funds for a recreation center?

(A.G.) I rather seriously doubt if our Supreme Court would hold that a tax levy for this purpose would be valid.

The Constitution, Article V, Section 6, provides that the total of State and county taxes on property shall not exceed 15c on the \$100 value of property, except when the county property tax is levied for a special purpose and with the special approval of the General Assembly, which may be done by special or general act. While I have been unable to find any Supreme Court decision directly in point, I have found that our Supreme Court has passed on this Section as it relates to cities and towns of the State which are thickly populated and congested. See *Atkins v. Durham*, 210 N. C. 295. Even though C. S. 2775 (c) authorizes an appropriation of funds for this purpose, there is no special authority which is required by Article V, Section 6, of the Constitution above referred to.

While, of course, you must be bound by your own opinion in this matter, I hesitate to advise you that a special tax could be levied for this purpose.

taxes to pay the school's contribution to the Retirement System?

(A.G.) It is my thought that in such case, the county commissioners would be considered the tax levying authority for the unit. The statute is not very clear on this question, but I cannot see how, in the absence of express statutory authority, a city or town would be authorized to levy a tax on property outside its corporate limits.

G. Poll Taxes, Dog Taxes, Fines and Forfeitures Accruing to Schools.

29. Forfeitures—disposition.

To Tillett & Campbell. Inquiry: What disposition should be made of the proceeds of forfeited appearance bonds taken from venereal patients, under C. S. 7194 (a), and forfeited by failure of the patients to continue to take treatment?

(A.G.) It is my opinion that under Article IX, Section 5, N. C. Constitution, Code Sections 7194 (a), 1324, and 5628, and Section 9 of the 1939 School Machinery Act, the funds realized from forfeitures of such bonds should be disposed of in accordance with the provisions of Code Section 1324.

VI. MISCELLANEOUS MATTERS AFFECTING COUNTIES.

H. Public Welfare and Safety.

9. Sale of beer.

To T. Walter Ashe. Inquiry: Can the Board of County Commissioners revoke a wine and beer license on the ground that the holder has sold beer to a minor?

(A.G.) Section 514, Chapter 158, Public Laws 1939 authorizes the county commissioners to revoke the license of any licensee allowing the licensed premises to be used for any unlawful purpose.

Section 8, Chapter 216, Public Laws 1933, makes it unlawful to sell or give the products authorized by it to minors under eighteen. This act is not repealed by the 1939 Revenue Act, but is expressly recognized, except where they conflict. Since the 1939 Revenue Act does not prohibit the sale to minors, the 1933 Act is still in force. However, there is a conflict as to the percentage of alcohol beer and wine may legally contain—the 1939 Act raising it from 3.2% to 5%—and here the 1939 Act will control. Thus, beer and wine containing not more than 5% alcohol may be sold to minors between 18 and 21.

It should be noted that C. S. 4456 prohibits the sale of any intoxicating beverage to any unmarried minor under 21. This is, in my opinion, still a valid statute except that it has been repealed by the 1933 and 1939 Acts to the extent that wine and beer of not more than 5% alcoholic content may be sold to married or unmarried minors between the ages of eighteen and twenty-one years.

TRIAL OF SOLDIERS

To W. Y. Bickett. Inquiry: Do the Superior Courts have jurisdiction to try and sentence members of the armed forces of the United States for felonies committed within the State?

(A.G.) Although the paramount right of the military authorities to custody of persons in the armed forces in time of war may not be conclusively established as a legal proposition, the State of North Carolina, in my opinion, would be justified in conceding the existence of this right. When persons in military service are charged with crime in our State Courts and are held in custody by the State authorities, I think they should be released, on request, to the proper military authorities. This should be done by order of the court after the facts giving the military authorities paramount right of custody are made to appear and are found by the court.

VII. MISCELLANEOUS MATTERS AFFECTING CITIES.

F. Contractual Powers.

5. Lease of city property.

To Philip C. Cocke, Jr. Inquiry: May a city council lease to an individual the exclusive right to show motion pictures in the municipal auditorium for a longer period than the terms of office of its members?

(A.G.) The closest precedent for such a lease is *Cline v. Hickory*, where a lease, for five years, gave the lessee the exclusive right to use the city auditorium for motion pictures, but reserved to the city for four days each month the right to rent the building to any party desiring it for other entertainment.

An exclusive franchise to lay water pipes in the city streets was disapproved in *Thrift v. Elizabeth City*, 122 N. C. 31, the Court expressing the fear that the company having the franchise would be unable to serve the city, yet the city would be powerless to provide for other service. However, it is probable that this would not be determinative here, due to the difference in the services to be rendered.

Relying on *Cline v. Hickory*, I think it

is quite probable that a lease of the right to use the municipal building for the stated purpose for a term extending beyond the usual life of the present governing body would be held valid.

H. Principal Courts.

5. Jurisdiction and power of Mayor's court.

To Stanley Winborne. Inquiry: Does a municipal court have the power to order a telephone company to tap a line in order to learn the identity of a person using profane and insulting language to the customer on that line?

(A.G.) In view of the expressed policy of the laws of North Carolina against divulging telephone messages, and the lack of statutory authority for a court to issue an order to tap telephone wires, I am of the opinion that a municipal court would have no authority to issue such an order.

N. Police Powers.

20. Regulation of trades and businesses.

To R. B. Slaughter. Inquiry: May the Board of Commissioners of a town regulate the opening and closing hours of businesses in the town?

(A.G.) Municipalities may regulate the opening and closing hours of barber shops. See Chapter 164, Public Laws, 1939. A municipality may, under its police power, regulate and prohibit the operation of mercantile establishments on Sundays. Municipalities may not restrict the hours of business establishments on days other than Sundays. *State v. Ray*, 131 N. C. 814.

21. Sale of wine and beer.

To C. W. Tillett. Inquiry: Should the governing body of a town, in a hearing to revoke a beer license, require witnesses to appear in person and be sworn before taking their statements?

(A.G.) It is my thought that in a hearing of this kind it would be the better policy to require witnesses on both sides to appear before the board and after being duly sworn, give both sides an opportunity to examine and cross-examine the witnesses. However, I am of the opinion that the board would have the right, if it saw fit to do so, to hear the matter only on sworn affidavits submitted by both sides. I do not think the board should admit any unsworn statement in a hearing of this kind.

25. Police regulations.

To C. B. Sitterson. Inquiry: May a town, by ordinance, prohibit dogs running at large, making a violation of the ordinance a misdemeanor, and further providing that after the first offense the dog shall be killed, if not confined by the owner?

(A.G.) A municipal ordinance similar to the one referred to has been upheld in our Supreme Court, in *State v. J. E. Clifton*, 152 N. C. 800, the court saying:

"A very general police regulation found in the ordinances of municipalities in this country is one 'to require dogs to be muzzled and to authorize the police officers to kill those found at large and unmuzzled.'"

VIII. MATTERS AFFECTING CHIEFLY PARTICULAR LOCAL OFFICIALS

B. Clerks of the Superior Court.

50. Costs and Fines.

To Miss Sara Allen. Inquiry: Should Clerks of the Superior Courts include any solicitor's fees in the bills of costs in criminal cases?

(A.G.) Section 3891 of Volume I of the Consolidated Statutes prescribed the fees

INCORPORATION OF SUBURBS

To William B. Campbell. Inquiry: How can a city having adjoining it a densely settled subdivision, prevent such subdivision from becoming an independent incorporated municipality, until such time as the necessary machinery and authority are set up to annex this area into the city?

(A.G.) I know of no method by which the city could, by any court action, restrain the creation of a corporation by the municipal board of control. Of course, if a petition is filed by the municipal board of control, as required by C. S. 2779, the city could appear before this board and argue against the creation of a municipality adjacent to the city, advancing any reasons why such a municipal corporation should not be created.

that solicitors were to receive as a part of their compensation.

Chapter 157, Public Laws of 1923, did not expressly repeal Section 3891, but instead, in Section 3, directed that the Clerks of the Superior Courts should continue to tax in the bills of costs in criminal actions the fees theretofore paid to the solicitor, which fees were to be paid to the school fund of the county.

Therefore, it is believed that Section 3891 is now the standard or basis for the fees to be included in the bills of costs. I am of the opinion that these fees should still be collected, but should be paid to the school fund of the county where collected in accordance with Section 3, Chapter 157, Public Laws, 1923.

D. Register of Deeds.

8. Marriage—physical examination.

To C. C. Duke. Inquiry: Can a Register of Deeds in issuing a marriage license, accept, in lieu of the laboratory certificate, a telegram from the State Board of Hygiene to the effect that the applicant is free from venereal disease?

(A.G.) It is my opinion that in all cases where it is necessary for the applicant to furnish laboratory report or test, that the Register of Deeds is within his rights to require the delivery of such laboratory report or test at the time of or before the marriage license is issued.

9. Marriage—licenses and certificates.

To W. E. Ormond. Inquiry: Are a couple legally married when the ceremony was performed in a county different from that in which the license was issued?

(A.G.) Under the statute, C. S. 2498, and following, a marriage ceremony is required to be performed in the county where the license is issued. However, I do not think that a failure to follow this statute would void the marriage.

C. S. 2499 prescribes penalties which may be invoked in case a minister or officer marries any person without a legal license.

K. Coroners.

1. Fees.

To J. D. Potter. Inquiry: Is the County Coroner entitled to collect from the County a fee for inquests held over the bodies of war casualties brought in from the sea?

(A.G.) The duties of coroners are set out in detail in C. S. 1020. Of course the

coroner would have no jurisdiction to investigate the cause of a death which might have occurred outside of his jurisdiction, that is, his county. If war casualties are washed ashore within his county, it would perhaps be his duty to investigate such a death regardless of whether or not the deceased person was a citizen of this or some foreign country. In those cases where dead bodies are brought ashore and there is no question but that such person met his death by an act of war of the enemy, it would not appear to me that any inquest would be necessary.

It seems to me that in such situation as here, each case would have to stand on its own merits. That is to say, that the County Commissioners would be the judges as to whether or not an inquest is merited and upon the facts of each case pay, or refuse to pay, the bill presented by the coroner.

L. Local Law Enforcement Officers.

8. Prohibition law—disposition of proceeds from sale of confiscated materials.

To Joe Dawson. Inquiry: When a defendant charged with having materials on hand for the manufacture of moonshine liquor, which material consists of sugar, pleads guilty, what disposition should the court make of this sugar?

(A.G.) It is my opinion that under the present war emergency you should enter an order impounding the sugar and that you should ask the advice of the rationing authorities as to the final disposition of the sugar. You should, to my mind, be governed by whatever instructions you receive from the proper rationing authorities.

38. Automobile Drivers' License Act.

To Robert T. Wilson. Inquiry: Can a Highway Patrolman take up the driver's license of a person convicted in Recorder's Court of driving under the influence of whiskey, when the defendant has given notice of appeal?

(A.G.) Section 18, Chapter 52, Public Laws, 1935, authorizes the court, when a person has been convicted of an offense which makes revocation of the license mandatory, to take up the license, and forward it to the Highway Safety Division.

The sections also provide that, on appeal, the court shall make such recommendations to the Department as seem just and proper, after which it is the duty of the Highway Safety Division to revoke or suspend, or to permit the licensee to continue to operate his vehicles, pending determination of the appeal. The courts have not authority to revoke a license. State v. McDaniel, 219 N. C. 763.

A patrolman has no authority to take up a driver's license from a convicted person unless he has an order of revocation or suspension of the same, duly issued and sent to him by the Highway Safety Division.

65. State Highway Patrol.

To W. P. Kelly. Inquiry: What disposition should be made of fees of State Highway Patrolmen for arrests and serving subpoenas, when they are collected from defendants in criminal cases?

(A.G.) Section 3846 (fff) of Michie's 1939 Code provides that "all fees for arrests or service of process that may be taxed in the bill of costs for the various courts of the State on account of the official acts of the members of the State Highway Patrol shall be remitted to the

general fund in the county in which said cost is taxed."

M. Health and Welfare Officers.

29. Merit System Law.

To C. W. Tillet. Inquiry: If a city refuses to sign a contract with the State Board of Health, which contract contains a provision that the city shall pay its Health Department employees in accordance with the Merit System Council schedule, would the city still be legally obligated to pay in accordance with the Merit System Council Schedule?

(A.G.) Under the provisions of Chapter 378, Public Laws of 1941, all political subdivisions of the State coming within the terms of the Act are required to comply with the rules and regulations promulgated by the Merit System Council for the administration of the system of personnel standards and uniform schedule of compensation for all employees. See Section 13 of the Act.

Failure to comply with these rules and regulations would, in my opinion, result in the refusal of the State and Federal agencies to permit such a political subdivision to share in State and Federal funds which have been appropriated for public health work.

P. Officials of Recorders' and County Courts.

23. Right of appeal.

To Ira T. Chapman. Inquiry: Where the defendant in a criminal action appeals from a J.P. court to a recorder's court, and from there to the superior court, does he have a constitutional right to a jury trial in all three of the courts?

(A.G.) I advise that the defendant has the right of a trial by jury in each of these courts. He is entitled to a trial *de novo*, and may again request and have a jury trial, unless he is in one of the counties where a special act provides that when a jury is demanded by the defendant in recorder's court, this action has the

effect of automatically transferring the case to the superior court docket.

Upon appeal from recorder's court to the superior court, there is, of course, a trial *de novo*, and he has the right there to have the facts in his case passed on by a jury.

Q. Municipal Officers.

10. Accountant.

To Louis C. Allen. Inquiry: May a town employ a person not a certified public accountant to audit the books of the town?

(A.G.) Sections 1334 (77) to 1334 (81), inclusive, Michie's 1939 N. C. Code, govern contracts for auditing the books of counties and municipalities. From these sections, you will find that it is necessary for the governing body, when it desires auditing work other than that done by the official municipal accountant, to secure the approval of the Director of Local Government. It will, therefore, be necessary that your Board take up the matter of the employment of an auditor or accountant with the Director of Local Government.

S. Mayors and Aldermen.

1. Qualifications and Res.

To C. P. Hinshaw. Inquiry: Where the mayor of a town moves beyond the city limits, and tenders his resignation as mayor, to take effect one month later, is the office forfeited as soon as he moves, or may he continue to act as mayor until the effective date of the resignation?

(A.G.) Where a mayor or alderman moves beyond the city limits temporarily and has the intention of returning, I do not think that such officer would vacate his office. However, where he moves with the intention of remaining outside the city permanently, I think the removal would have the effect of vacating his office, immediately on such removal.

However, a public officer does hold office until his successor is appointed and elected and duly qualified. State v. Bouldin, 197 N. C. 731; Markham v. Simpson, 175 N. C. 135.

9. Mayor's court—appeal.

To W. P. Stradley. Inquiry: Where a defendant in a criminal action tried in a Mayor's Court is convicted and gives notice of appeal in open court, but soon after withdraws his notice of appeal and consents to go on the roads, may he, after starting his sentence, but before the 10 day period is up, give notice of appeal, or has he waived the right to appeal?

(A.G.) In the case of State v. Mitchell, 119 N. C. 784, our Court held that it is a general rule that a party may waive the benefit of a constitutional as well as a statutory provision, and that the right may be waived either by express consent, by failure to assert it in apt time, or by conduct inconsistent with the purpose to insist upon it. See, also, State v. Lakey, 191 N. C. 571; 17 C. J. 48; 24 C. J. 266.

It is my opinion that the defendant, by withdrawing his notice of appeal given in open court and consenting to the judgment, would waive his right of appeal. State v. Lakey, supra; State v. Tripp, 168 N. C. 150.

14. Presence at meetings.

To Louis C. Allen. Inquiry: Must a town commissioner be present in person at a meeting of the board of town commissioners in order to vote, or may he vote by proxy?

From the Motor Vehicles Commissioner

Motor Vehicles Commissioner T. Brodie Ward has warned that persons who attempt to solve the tire and gasoline shortage by attaching small motors to bicycles must comply with all the provisions for owners of automobiles and motorcycles.

This means, said Ward, that the motor-cyclists must obtain driver's license through the usual examinations and must buy state license tags.

Ward said he had observed many persons driving bicycles with "washing machine motors or other contraptions" but that the number of persons seeking licenses has not increased much as yet.—*News and Observer*.

(A.G.) The members of the board of commissioners are in reality the directors of a body politic and corporate, Code Section 2622, and a corporation is entitled to the personal judgment, influence and vote of each director, and it is my opinion that such powers, in the absence of statutory authority, cannot be delegated, and that a member must be present in person in order to vote, and cannot vote by proxy.

15. Quorum of Board.

To S. L. Johnson. Inquiry: How many aldermen must be present at a meeting in order that their transactions may be legal?

(A.G.) Section 2821 of Michie's 1939 Code provides that "every member of the governing body shall have the right to a vote on any question coming before it. A majority shall constitute a quorum, and a majority vote of all members present shall be necessary to adopt any motion, resolution or ordinance."

T. Justice of the Peace.

1. Fees.

To I. P. Davis. Inquiry: Where the defendant in a criminal action forfeits his bond, is the Justice of the Peace entitled to deduct his costs from the forfeited bond?

(A.G.) The Constitution provides that the proceeds of all forfeitures shall be paid into the school fund of the county. I advise, therefore, that a Justice of the Peace may not deduct his costs in an action where a cash bond has been put up and forfeited.

I also advise that the \$1.00 additional cost in criminal actions may not be deducted from the proceeds of a forfeited bond.

10. Jurisdiction.

To Dewey Gravely. Inquiry: Does a Justice of the Peace have authority to try a case where the violation of a city ordinance is charged?

(A.G.) Section 4174, Michie's 1939 N. C. Code, provides that if any person shall violate an ordinance of a city or town, he shall be guilty of a misdemeanor, and shall be fined not exceeding \$50.00 or imprisoned not exceeding thirty days. A Justice of the Peace has concurrent jurisdiction with the mayor of a city or town to try cases brought under this section.

To Clifford Powers. Inquiry: Where a Justice of the Peace hearing a larceny case asks the defendant if he will be willing to change his plea of "Not Guilty" to "Guilty" and accept a thirty-day sentence, and, the defendant does so, may the Justice of the Peace then bind him over to the Superior Court?

(A.G.) A Justice of the Peace has no jurisdiction in a case where the defendant is charged with larceny, except to bind to the Superior Court where probable cause is shown. The Justice of the Peace could not, by agreement with the defendant, confer on himself jurisdiction to finally dispose of the case.

X. PRIMARIES.

A. Rights and Qualifications of Voters.

11. Absentee ballots.

To N. E. Millsap. Inquiry: May a soldier home on furlough obtain ballots from the Chairman of the Board of Elections and vote them and then deliver them to the Chairman while he is at home?

(A.G.) A soldier home on furlough can obtain the ballots, but may vote them only in accordance with the provisions of S. 7, Ch. 346, P. L. 1941, which provides that a voter shall sign his name to the certificate in the presence of his commanding officer or a commissioned officer, who shall sign as a witness to the signature.

XI. GENERAL AND SPECIAL ELECTIONS.

B. Ballots.

7. Independent candidates.

To Earl Franklin. Inquiry: May a person defeated in the primary election thereafter file as an Independent candidate for another office, in the general election?

(A.G.) In order for a person to run as an Independent candidate, he must have filed his petition with the State Board of Elections at or before the time prescribed by law for the nomination of candidates by the political parties within the particular political subdivisions. See C. S. 6055 (a-6).

10. Absentee ballots.

To N. B. Smithey. Inquiry: May voters away from home, on defense work, vote by absentee ballot?

(A.G.) Under the provisions of Chapter 159, Public Laws of 1939, absentee voting is permitted in general elections to all qualified electors, including soldiers, and to those engaged in doing defense work away from home.

WILLIAM C. OLSEN
 Consulting Engineer
RALEIGH, N. C.

•

Electric Lighting
Power Plants **Valuations**
Sewerage **Water Works**
Street Improvements
Hydro-Electric Developments

XII. STATE TAXES.

A. Levy of Such Tax.

21. Privilege license taxes.

To Thomas H. Leath. Inquiry: Is an attorney who will enter the armed services of the United States within a month or two after the beginning of the fiscal year entitled to an adjustment on the license tax for the privilege of practicing law?

(A.G.) There is no statute which would authorize the Commissioner of Revenue to adjust, relieve of, or permit persons who are expecting to enter the armed forces of the United States just after the new fiscal year to pay a smaller amount of tax for the privilege of engaging in business under Schedule B of Chapter 158, Public Laws of 1939.

The only manner in which a person might not have to pay the full amount of the tax therein prescribed is under Section 100 of the said Act which provides that where the tax levied is on an annual basis and the licensee begins such business or exercises such privileges after the first day of January and prior to the 31st day of May of each year, then such licensee shall be required to pay only one-half of the tax prescribed.

I. Tax on Intangibles.

1. Distribution.

To Peyton G. Bowman. Inquiry: How should the intangible property tax proceeds allocated to a county be distributed among the various county funds?

(A.G.) It is my opinion, from Section 700, Chapter 158, Public Laws, 1939, and the last sentence of Section 715 of that Chapter, that the amounts allocated to each county and municipality shall be distributed and used by such units at the same ratio that ad valorem tax is distributed and used.

MERIT SYSTEM COUNCIL ACT

To C. W. Tillet. Inquiry: If a city is willing to forego its share in State and Federal funds appropriated for public health work, will it be required to observe the Merit System of compensation?

(A.G.) The Merit System Council Act, Chapter 378, Public Laws 1941, applies only to those municipalities which have agencies supported in part from State or Federal funds, including the Reynolds Fund, which is disbursed by the State.

I advise that if the city does not participate, directly or indirectly, in such funds, then the Merit System Council Act has no application to employees of the city.

(See also page seven of this issue of POPULAR GOVERNMENT.)

Man's Two Greatest Problems

1. To care for his family in event of premature death.
2. To care for himself in old age.

We can help you solve both of these problems.

Gate City Life Insurance Company
Greensboro, N. C.

INDUSTRIAL—ORDINARY GROUP

ABSENTEE BALLOTS FOR SOLDIERS

To Reidsville Chamber of Commerce. (A.G.) Absentee ballots may not be used in special elections either by members of the armed forces or other electors. Absentee voting in primaries is allowed only to members of the armed forces. All other electors as well as members of the armed forces may vote absentee in general elections.

Guidebook of Forms and Procedure for Tax Collectors in Cities, Towns and Counties

THE GUIDEBOOK OF FORMS AND PROCEDURES FOR TAX COLLECTORS outlined at right is now in the press and will soon be ready for distribution.



THE GUIDEBOOK OF FORMS AND PROCEDURE IN TAX FORECLOSURES is in preparation and will be ready for distribution in September.



THE GUIDEBOOK OF FORMS AND PROCEDURES FOR CITY AND COUNTY ACCOUNTANTS AND FINANCE OFFICERS will be ready for distribution in October.



THE GUIDEBOOK OF FORMS AND PROCEDURES FOR TAX SUPERVISORS, LIST TAKERS AND ASSESSORS will be ready for distribution in November.



THE DAILY LEGISLATIVE SERVICE will begin in January, giving the substance of each local and statewide bill as it is introduced in the General Assembly of 1943, affecting every county, city and town.



THE LEGISLATIVE SUMMARY of state-wide and local laws will be ready for distribution within thirty days after the adjournment of the 1943 General Assembly.

I. REQUIRED AD VALOREM TAX LISTING RECORDS

- A. Abstracts
- B. Scroll—Tax Valuations
 1. County records divided by townships: a. White individual taxpayers. b. Colored individual taxpayers. c. Indian individual taxpayers. d. Corporations, partnerships, etc.
 2. City and town records with same subdivisions.
- C. Tax Book—The Amount of Taxes: 1. Divided by races, etc. same as scroll book. 2. Combined scroll and tax book to show valuations and taxes optional. 3. Disposition of tax book.
- D. Tax Receipts and Stubs: 1. Divided by townships—white, colored, etc. 2. Information which tax receipts and stubs should show. 3. Disposition of tax receipts and stubs.
- E. Tax Receipts and Stubs Covering Discovered Property: 1. Information required. 2. Manner of recording discovered property on scroll and tax book.
- F. Tentative Receipts for Prepayments—Information Required: 1. Made on basis of estimate. 2. Does not release property from lien. 3. Official receipt will be given when made ready if fully paid.
- G. Partial Payment Receipts. (Information required and application of payments first to accrued penalties, interest, and costs.)
- H. Advertising List—What It Must Contain.
- I. Tax Sale Certificates: 1. Information required to be shown. 2. Disposition of certificates. 3. Option to use certificates where taxing unit is purchaser.
- J. Annual Settlement—What It Must Contain.
- K. Rebates and Releases—Authorization and Approval.

II. SUPPLEMENTARY TAX RECORDS.

- A. Records Used in Accounting for Collections: 1. Daily cash receipts record—current taxes, information which it should show. 2. Record of cash receipts for real estate bought at sale and redeemed—back taxes. 3. Record of cash receipts for personal and poll taxes—back taxes. 4. Cash remittance sheet.
- B. Forms Used in Encouraging and Enforcing Collections:
 1. Sample notices for advertising: a. Advertising prepayments. b. Advertising change in discounts. c. Advertising due date. d. Advertising penalty increases.
 2. Sample letters for contacting taxpayers: a. First notice before attachment and garnishment. b. Second notice. c. Last notice.
 3. Sample form of levy upon personal property: a. Who makes the levy. b. Costs.
 4. Sample form of notice of sale of personal property levied upon.
 5. Sample form of garnishment: a. Who serves the garnishment. b. Protests. c. Fees allowed.
 6. Witness and jury fees applied against taxes as an indirect method of garnishment.

III. EFFORTS TO COLLECT TAXES.

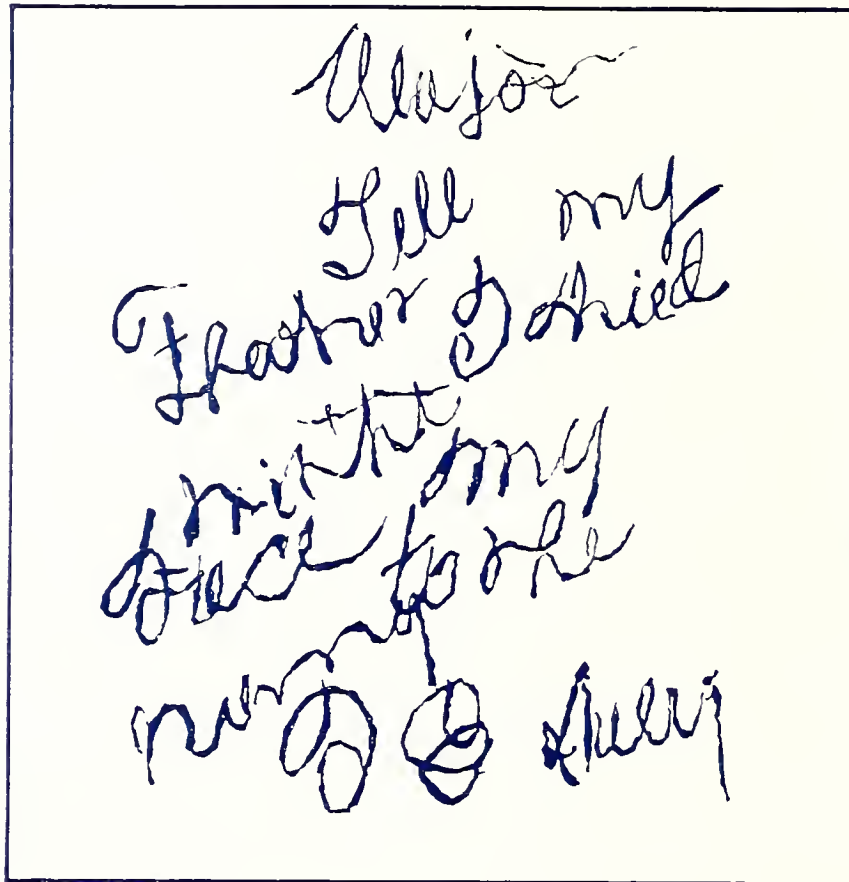
- A. Primary Efforts to Levy and Collect Taxes.
 1. Required notices: a. Notice of listing date and extension. b. Notice of meeting of Board of Equalization. c. Notice of levy on personal property. d. Notice of sale of personal property levied upon. e. Notice of garnishment. f. Advertising real estate.
 2. Optional notices: a. Newspaper advertising. b. Personal letters. c. Phone calls. d. Personal visits.
- B. Miscellaneous Efforts to Encourage and Enforce Collections.
 1. Newspaper advertising: a. Paid display advertising. b. News stories.
 2. Letters: a. To all delinquent taxpayers. b. To representative groups of delinquent taxpayers.
 3. Discovering unlisted property.
 4. Collecting taxes on personal property that has been removed from the taxing unit.

IV. PRIVILEGE LICENSES.

- A. What Period They Cover. B. Sample Forms of Various Licenses Issued. C. Methods of Determining Who is Liable for Privilege Licenses. D. Methods Used to Enforce and Encourage Payment of Privilege Licenses.

**PUT THE INSTITUTE OF GOVERNMENT IN YOUR BUDGET
FOR THE FISCAL YEAR 1942-1943**

"Tell My Father I Died with My Face to the Enemy"



IN THE LATE AFTERNOON of the second day at Gettysburg North Carolina troops "were commanded to move forward and silence the guns on Cemetery Hill." According to a participant in the battle "the flag of the sixth North Carolina regiment felt more than one gallant color bearer shiver and fall in that charge—four out of five went down to a heroic death—yet, ere the flag could fall, the nearest surviving color guard grabbed it and bore it bravely to the top of that stronghold of the enemy. . . ."

In this charge Isaac Erwin Avery, son of North Carolina and of the University of North Carolina, was shot down while leading on his men. He lived long enough to write on a piece of paper crimson with his blood the message here portrayed:

"Major Tell my father I died
with my face to the enemy I E Avery"

Through the eyes of witnesses to the battle we can follow Isaac Avery in that charge "amid the incessant roar of cannon, the din of musketry, the hoarse shouts of friend and foe, the piteous cries of the wounded"; see him falling in the "glare of bursting shells while the moon was rising over the trees on Culp's hill and shining through the battle smoke with an enfeebled light"; see him spelling out of his own blood and flinging in the face of death his deathless message: "Tell my father I died with my face to the enemy."

After the battle, his negro body-servant found this message clutched in stiffened fingers and took it to Avery's people who gave it to the Historical Commission in the State Capitol. Ambassador Bryce saw it there years afterward and said:

"The message of that soldier to his father
is the message of our race to the world."

From "The Cause for Which We Fight," by Albert Coates, Director

Institute of Government, The University of North Carolina, Chapel Hill