

POPULAR GOVERNMENT



PUBLISHED MONTHLY BY THE

INSTITUTE OF GOVERNMENT
UNIVERSITY OF NORTH CAROLINA



Playmakers' Indoor Theater



Koch and the Christmas Carol



Playmakers' Outdoor Theater

FULFILLMENT

"Why are you giving the front cover of POPULAR GOVERNMENT to the indoor and outdoor theaters of the Carolina Playmakers?" inquired a friend who saw me handing pictures for this cover's reproductions to the Orange Printshop. "Koch," I answered.

He came from North Dakota to Chapel Hill in September, 1919 as Professor of Dramatic Literature in the University of North Carolina. Out of his classroom in the department of English grew the Carolina Playmakers. Out of the interaction of his classroom and the Playmakers grew the University's Department of Dramatic Art. On the wings of this trinity—holy to him, he went out to dramatize his story in communities throughout the Commonwealth from Murphy to Manteo, and on as far as Massachusetts to the North, Florida to the South and Missouri to the West. His work took root and grew in high school and college and community associations, stimulated and guided from the dramatic center in Chapel Hill where hundreds of people come on annual pilgrimages to springtime festivals. His magnetic star drew college students to his classrooms from all parts of North Carolina; from more than thirty states; from Canada and Mexico; from Chile, Ecuador and Brazil; from England, Norway, Denmark, China and Egypt. Out of his classroom—"sandalled with wind and with flame" went Tom Wolfe, Paul Green, Betty Smith, Bernice Kelly Harris, George Denny, Shepard Strudwick and many another to give outward and visible evidence of inward and spiritual truth. Evidences of that classroom's meaning come winging home from battlefronts in a Playmaker's letter to his teacher: "Securely pinned under my left pocket is my Playmaker's mask. Sometimes I reach up and touch it and then my mind flies through the miles to the brown-columned Playmaker Theater in Chapel Hill. Proff, I swear that little gold mask is magic! It makes me work harder to end this business; it's my own morale builder! It gives me faith and symbolizes what we're fighting for."

Who cares to say this classroom has not fulfilled the historic mission of the University of North Carolina set forth in the Constitution at Halifax in 1776: "to consult the happiness of a rising generation and fit them for an honorable discharge of the social duties of life." When every teacher in every department of this University takes flame and blazes in the lives of his students as this man did, and makes his classroom live in the life of the Commonwealth as this man made his classroom live, who will say that we will not then begin to build the University for which the choice and lonely spirits through a hundred fifty years in Chapel Hill "have dreamed and slaved and died, but scarcely dared to hope?"

His living wage came out of taxes paid by the people whose lives furnished materials out of which his students wrote their plays—"people, white and colored, on farms and in factories—any people, just as they are, their wrongs and their nobility,

their fun and their laughter, their struggles and their hopes." He saw playmaking of, by and for the people as part and parcel of government of, by and for the people. "We are," he said, "striving as Thomas Jefferson did 'to avail the State of those talents which Nature has sown as liberally among the poor as the rich, but which perish without use unless sought for and cultivated.'" And through his eyes many governmental units saw his work as part and parcel of their governmental functions. Local officials helped to bring his Carolina Playmakers and his Christmas Carol to their communities year after year. State officials helped to provide his state-owned theater. Federal officials helped to build his Forest Theater. And around *The Lost Colony*, dramatizing the first English settlement on American soil, the Roanoke Island Historical Association builds its hopes of seasonal livelihood in a postwar world. Teacher and officials together gave a twentieth century meaning to the eighteenth century words of Edmund Burke: "The state . . . is a partnership in all science; a partnership in all art; a partnership in every virtue and in all perfection."

He never saw himself as the first, the last or the only of his kind. He looked upon his work as one enduring moment in "man's continuing search for beauty." In the Maytime commemoration of the "twenty-fifth anniversary of the Playmakers in the Forest Theater with Shakespeare's play of fairyland, *A Midsummer Night's Dream*," he said to hundreds of his neighbors sitting before him in the moonlight: "The same skies that lighted the stage of Shakespeare, the same stars that looked down on the stately theater of the Greeks and listened to the timeless poetry of Sophocles more than two thousand years ago, look down on us seriously still in Chapel Hill." In responding to a former student's salutation at that Playmaker's twenty-fifth anniversary dinner, he put his spirit in another's words—"expecting the main things from those that come after." In the "quietness of thought" he never doubted he was one with all creative spirits about him on the earth and with those that had come before and with those that would come after—spirits that are placeless and belong to all places, timeless and belong to all times, raceless and belong to all races.

There are people who were born and reared in North Carolina without entering into the spirit of their dwelling place; these are our aliens, foreign to this land. There are people who were born and reared in distant places, who have come to live among us, take root in our soil and grow into our living tissues; these are our native sons, and Frederick Koch was one of these. "I hope your life in Chapel Hill will be productive and happy," the President of the University of North Carolina wrote to Koch of North Dakota in 1918. It was. In August, 1944, as he was turning sixty-seven, twenty-six years of fulfillment buried him in the heart of "the song that passes not away."—*Albert Coates, Director of the Institute of Government, The University of North Carolina, Chapel Hill.*

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Public Installations of Local Officials

Statement of R. Gregg Cherry, Newly-Elected Governor of North Carolina,
at Induction Ceremonies for Officials of Gaston County December 4, 1944

It would be good to be a disciple of Albert Coates, who is a law giver by choice at our State University; but somehow, he has been selected by some overwhelming power to bring to North Carolina and its local governmental agencies, and those who serve therein, a new and expanding service. The reading of "THE STORY OF THE INSTITUTE OF GOVERNMENT", published under date of July 1st, 1944, will hold your attention with more fascination than the most interesting dime novel of youthful reading. Within its covers you will acquire a profound, instructive and tempered outlook on this thing we call government, and our democratic way of life, which all loyal Americans on the home front and millions of more loyal Americans on the battle front seek to preserve. It is with a sense of appreciation for the splendid and useful service of Mr. Coates, that I pay this deserved tribute and express to him and his able staff of co-workers the hope that they will continue in their efforts to aid and serve the local government units of our progressive State.

Importance of Induction Ceremony

We are gathered here today for the ceremony of inducting into office those who have been selected to serve our County for a specified term during the years that lie ahead. The first Monday in December following a General Election is the day for installation of local and County officials throughout our State. These officials are selected through our regular constitutional processes. The qualified voters choose certain of

their number needed for particular governmental duties; and those called by their fellow men for service ought to be impressed with a deep sense of their responsibility. No matter how important or how inconsequential may be the duties to be performed, if the position carries with it the dignity of an oath of office, it is a definite part of our governmental mechanism for the furtherance of our Democratic form of government.

Local Government Should Be Encouraged

North Carolina is one of the fast growing sovereign States of our American Republic. We have One Hundred Counties which form the backbone of our local governmental institutions and policies. Modern inventive genius has greatly eliminated time, distance and space, so that every nook and corner of our State is almost always in constant touch with every other part of our Commonwealth.

In recent years, many functions of government which were one time entirely local have been transferred from our Counties to become a part of the State's function of government. Notable examples in this respect are our public school system, our public road system and our State penal system. Over-burdened local units of government surrendered these functions and accepted a State-wide program which resulted in economy of management.

It is my definite opinion that local government is the cornerstone of our democracy. Those functions of government which tend to deal

with family life, community customs and relate to the regulation or guidance of personal affairs ought to be kept local wherever and whenever possible. Our people must be made to know that they are each, individually, an essential and integral part of our State and local government; and that government is not some *ready-made super-structure* handed down from some far-off State Capital. If Democratic Government is to survive—and it will—then it must be kept local and made to fit the human aspirations of the citizenship who consent to be governed.

An Oath Ought to Be Remembered

As you, and each of you, subscribe your names to your several oaths, and then lay your left hand on the Holy Evangel and raise your right hand to the Supreme Ruler of the Universe and repeat your pledge to the United States of America and the State of North Carolina and promise to "honestly and faithfully perform" the duties of your several positions, I am sure that you feel a sincere sense of your official responsibility. Ever remember that these pledges of your fidelity will be deposited among the archives in the Office of the Clerk of the Superior Court of your County as a memorial to you and those who shall follow you. It is my devout hope that during your term of office, that the performance of your official duties shall be such that when your term is ended, your record of service will be just as faithful, and just as white and just as clean as the white paper on which you have subscribed your oath.

The General Assembly in Transit

Early Meeting Places of the State's Legislature

Pursuant to the Charter from the Crown in 1663, and the Concessions of 1665 which was the first form of government definitely laid out for the Colony, the Province of Carolina was divided into eight precincts and the people of these precincts were instructed to elect representatives to a General Assembly. This Assembly was known as the "Grand Assembly of the Albemarle," and it was the first law-making body in North Carolina.



Tryon's Palace, 1770-1798

Quarters of the Legislature

Its place of meeting remained unsettled throughout the Proprietary period. Records of the proceedings are so fragmentary that any account of its actions or the location of its meeting places is virtually impossible. It was the practice for each Assembly to fix the place of meeting for the next session before it adjourned. At first, before there were towns in the Colony, the Assembly met at the private homes of leading settlers. For example, in 1715 it convened at the "house of Cap Jn Hecklefield in Little River" as a mutilated copy of the Journal of the Assembly has revealed. And again in 1715 we read of the "General Biennial Assembly, held at the House of Captain Richard Sanderson, at Little River." Also, it sometimes met in churches, for we read of "the Church in Chowan which was the place of ye last meeting." In 1720 there was "A General Biennial Assembly held at the Court-House in Chowan Precinct the second day of August."

Meeting Places of the Legislature

Prior to 1794 the Assembly roamed around the State, as there

was no fixed meeting place. Bad roads and travel conditions, location and expansion of the population, geography, and the increase in the scope and functions of government determined these meeting places before the Revolution. The rivalry of the several towns to have the Assembly convene there also frequently determined the decision to hold sessions at the places actually selected. For several years it met in Edenton, and later at Wilmington and New Bern. The first recorded journals of the Assembly that we have begin with 1726, but it is known that it had met in the Chowan area in 1722, and before, as there were Legislatures as far back certainly as 1665. It convened at Edenton in 1723, 1725, 1726, 1727 and 1729, and between 1730 and 1746 it held nine sessions at Edenton, seven at New Bern and two at Wilmington. It was, in the words of Governor Tryon, an "itinerant" body. "The itinerant publick assemblies," he wrote, "have been a great source of contentions in this province." There were sessions at Edenton in 1731, 1733, 1734 and 1736; New Bern in 1738 and 1739; Edenton in 1740 and 1741; Wilmington in 1741; Edenton in 1743; New Bern in 1744, 1745 and 1746; and Wilmington in 1746.

There was a session at New Bern in 1747; two sessions in New Bern in 1748, three in 1749, two in 1750 and one in 1751, and 1752; one at Bath in March, 1752; New Bern in 1753; Wilmington in 1754; New Bern in December 1754, 1755, 1756, 1757, 1759 and 1760; Wilmington in

1759, 1761 and 1762; New Bern in 1762; Wilmington in 1764; and New Bern in 1765, 1766, 1767, 1768 and 1769. From 1770 to 1775 New Bern was the seat of the Royal Governors, and the Assembly met there for six sessions from December, 1770 until April, 1775, which was the last Assembly held in North Carolina by authority of the British Crown.

Sessions were frequent and irregular in the early days of Inde-



Capitol at Raleigh, 1794-1831

pendence. New Bern remained the home of the government until 1778, but the western inhabitants wanted to have the meetings held nearer to them. This, plus the fact that New Bern was in danger of attack by the British fleet, caused the Legislature to meet inland for the greater part of the war's duration. From 1776 until 1794 it met in eight different places, and in some of them as much as five times. There were sessions at New Bern in 1777 and April, 1778; a twelve-day meeting at Hillsboro in August, 1778; at Halifax in January, 1779; at Smithfield in May of the same year; at Halifax the following October; Hillsboro in 1780; and Halifax in 1781.

The Legislature had resolved to meet in November, 1780 in Salem, and the Governor and several members of both houses stayed there for the purpose for several weeks, but as a quorum failed to appear, it never met. In January, 1781 it held a meeting at Joel Lane's Wake Courthouse (now Raleigh). Salem was again considered in 1783 as a meeting place, as was Salisbury. In 1782, 1783 and 1784 the Assembly met at Hillsboro; it was at New

Bern again in 1784 and 1785; Fayetteville in 1786; Tarboro in 1787; and Fayetteville for the next three years. In 1791 and 1792 the Legislature met again at New Bern, and the last full regular session held outside Raleigh was at Fayetteville in 1793.

Attempts to Select a Capital

The disadvantages of the roaming Assembly were early seen by the Colony. There had been a rivalry between the several towns for the sessions, to the extent that the public business of the Assembly was being affected. The situation, in addition to being non-conducive to serious business, made it difficult to consult officials and examine records; by 1744 dissatisfaction had grown until there was an attempt to fix a permanent capital. "It is impossible," wrote Governor Johnston, "to finish any matter as it ought to be while we go on in this itinerant way. . . . We have tried every Town in the Colony and it is high time to settle somewhere."

In 1746 an act, which grew out of a quarrel over representation, fixed the capital at New Bern, but the arrangement did not last. Most of the settlers in Carolina had been in the Albemarle region, so that the law-making body had met there. But when the Cape Fear Valley was settled, the people in that region naturally wanted the Assembly to meet nearer them; thus no decision could be reached. New Bern's more central position gave it an advantage, however, so that in November of 1746, when the winter rains, bad roads and cold weather made it impossible for the northern members to journey down to Wilmington, the Governor purposefully called a meeting in Wilmington, in order to have New Bern set as the meeting place for the Assembly. The residents of Albemarle were so angry at this strategy that for eight years they sent no representatives to the Assembly.

In 1758 the Assembly decided to hold its sessions alternately at Edenton and Wilmington, in order to prevent the jealousy between the northern and southern inhabitants of the Colony. But later the same year, it passed an act fixing the capital at Tower Hill, some fifty miles above New Bern (between the sites of the



by

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present towns of Kinston and Goldsboro); it was to be called George City in honor of George II, but this plan was later disallowed, because Governor Arthur Dobbs, the chief proponent of the act, owned the land selected.

By 1764 the Assembly had become so sectional and unrepresentative that sectionalism dominated the meetings and hindered their serious purpose so that it became essential that some permanent decision about a meeting place be reached. In 1766 the Assembly, then convened at New Bern, voted £5000 to erect a suitable public building there, and the following year it provided £10,000 for the same purpose. Work was begun in 1767, and the building was completed in 1770. Of brick and marble, it was considered one of the finest public buildings in America. Known as the Governor's Palace, it contained a residence for the Governor, a council chamber, a hall for the Assembly, and offices for the Provincial officials. It fastened a debt on the Province it could not afford, and the settlers in the back country strongly opposed it for financial reasons.

Following the Revolution, the Governor's Palace was neglected, and the main building and one wing were destroyed by fire in 1798, so that the need of a fixed State capital arose again. Whenever the Legislature convened, its members were forced to live in crowded homes in the small towns chosen for the sessions; also there was no building large enough in which to meet. Too, a place was needed to keep the records of the entire government, as these were carelessly hauled from town to town in carts, or kept scattered over the State in the homes of

officials, so that there was the danger of loss from fire or theft or carelessness. But Tarboro, Fayetteville and Hillsboro each wanted the capital set up there, so that the Legislature was unable to fix on any place, until it asked the Hillsboro Convention of 1788 to locate it. In that year the Assembly ordered the State capital located within ten miles of Isaac Hunter's plantation in Wake County.

In 1792 a committee chosen by the Legislature bought from Joel Lane 1000 acres of land near Bloomsbury or Wake Court House, laid off a city, named the streets and sold lots. The Legislature approved it, and the same year named it Raleigh. In 1794 Raleigh was established as the capital, and the first session of the Assembly was held there in the old brick and wood capitol from December 30, 1794 until February 7, 1795. This State capitol was of cheap, ugly brick, built with the money obtained from the sale of lots. It was later changed and improved, but was destroyed by fire in 1831.

At that time an effort was made to have the capital set up at Fayetteville, but in 1832 the Legislature appointed a committee to take charge of building a new capitol where the old one had stood. The cornerstone was laid July 4, 1833, and when the building was finished in 1840, it was considered one of the most beautiful in the United States. Other places in Raleigh where the Legislature has met include the Wake County Courthouse and the old Governor's Mansion.

There was a day's session at Edenton March 11, 1937, commemorating "Edenton's Tea Party," and the session of February 22, 1939 in the Courthouse at Charlotte, in commemoration of the Mecklenburg Declaration of Independence, which marked the passing of a law the furthest west in North Carolina to that time. On January 30, 1941 the Legislature convened in Chapel Hill upon the occasion of the University "Winter Summer School" for a group of South American students, and again on February 26, 1941 it met at a theater in Elizabeth City. Except for such brief ceremonial excursions, the General Assembly has been at home permanently in Raleigh since 1794.

FAITH, WORK AND PLAY IN WARTIME

Continuing a Series of Articles by the Dean of Administration
of the University of North Carolina

R. B. HOUSE

For seventeen years I was chauffeur and willing slave to a number of girls from infancy till they went their several ways to college. I took them to school and to Sunday School. I took them to parties, to summer camps and vacation resorts. I saw them to the dentist's through the tooth-straightening stage. And I would not take a million dollars for my memories, particularly of conversations I overheard from the driver's seat. If I could be sure of overhearing such conversations in other areas I would become a shameless eavesdropper. For, though what I heard was not perpetual sunshine and light, it was mostly healthy and happy. And, what I want to stress, it was a seventeen-year symphony of education — home, school, church, community, dentist, doctor, and policeman, in harmony with the keynote of happy, wholesome growing up.

I think this symphony goes on daily in countless North Carolina cars, and I think that, if the willing slaves of these children have listened carefully, they can all rise up with me and call the grade teachers of North Carolina blessed. For the doings of the school certainly occupied the front and center of the children's talk. Its health and happiness are bound to be widespread, because, though I am prejudiced in their favor, these were plain-along North Carolina girls in one of the plain-along schools of North Carolina. And my considered opinion, after seeing the educational experience in perspective, is that it was good all the way, and well-nigh perfect from the first through the seventh grades. Arguments between "Progressives" and "Conservatives" in education fall to the ground as I consider my observations of the experience. All concerned were conservative enough to respect sound and varied learning in all its wonder. All concerned were progressive enough to put welfare of the children first.

It was all suffused with the spirit of the school in which children and teachers worked together. It seems to me that each teacher in the Chapel Hill School has placed this whole community under a debt which, in terms of mutual appreciation, is a debt that is gladly



paid. Certainly, from the first grade right on through, there seems to be a sympathetic, affectionate, intelligent, and firm-willed artistry in teaching which started these children right, each in her own individuality, and yet maintaining each one in proper adjustment to learning and the community. This rightness of start and of mutual adjustment was augmented by other teachers in turn. I think if one teacher was any more influential than another, it was through the increased knowledge of the children and the community gained through long residence and work in Chapel Hill. Where a teacher is in the place when her pupils are born; where she joins with parents, church, and community in enjoying them, working with them and shaping their lives, she is simply more thoroughly equipped in all that makes for learning, skill, and artistic execution in teaching. Chapel Hill is indebted to many such teachers who have long been a beloved, important, and continuous part of this community.

The secret of North Carolina's future is with the public schools. The secret of the public schools lies in finding and cherishing in the several communities, stay-on-the-job artists. Our schools come nearer perfection wherever we find the teacher well settled and growing in a community from professional youth on. What would medicine be if the doctors found it desirable or necessary to move on every year or two? What would any segment of life in a community be if its exponents had to move on before they got well started? No personage anywhere is more important than the teacher. Why does the teacher, as a rule, make such a fitting stay? Whether the answer be in terms of economics, politics, or in the deeper realm of spiritual appreciation, there is no question which goes more nearly to the center of our educational life. At least so it looks to this chauffeur of youth on its many pilgrimages, but mostly to and from a good school growing around a superb teacher, as the trees of the University campus grow around the Davie Poplar.

Front row, left to right, opposite page: Lieut. D. T. Lambert, State Highway Patrol, Greensboro; Capt. C. D. Farmer, State Highway Patrol, Raleigh; Major J. T. Armstrong, State Highway Patrol, Raleigh; Brig. Gen. James W. Jenkins, N. C. State Guard, Henderson; Brig. Gen. J. Van B. Metts, Adjutant General, Raleigh; Albert Coates, Director, Institute of Government; Col. William S. Pritchard, Fort Bragg; Maj. Demetrio D. Diaz, Camp Butner; Lieut. Austin E. Titus, Jr., Fort Bragg; Lieut. A. T. Moore, State Highway Patrol, Fayetteville; Lieut. Lester Jones, State Highway Patrol, Greenville.

Second row: J. F. Shields, High Point; A. A. Brewer, Greensboro; J. R. Morris, Wilmington; W. T. Sloan, Chapel Hill; W. K. Hardin, Shelby; J. E. Parks, Henderson; E. G. Shore, Winston-Salem; C. C. Harriss, Henderson; R. P. Taylor, Raleigh.

Third row: Thomas Creekmore, Director SBI, Raleigh; L. L. Jarvis, Greensboro; Walter F. Anderson, Charlotte; N. K. Hardee, Durham; G. E. Canady, Kinston; G. F. Penninger, Gastonia; H. W. Cobb, Reidsville; J. A. Lowdermilk, High Point; J. R. Thomas, Rocky Mount; Robert Worsley, Tarboro.

Fourth row: J. M. Gold, Winston-Salem; Edward Scheidt, Special Agent, FBI, Charlotte; J. R. Teague, High Point; R. A.

A Great University of Public Officials

Within the Greater University of North Carolina

Eight thousand public officials from the cities, the counties and the State of North Carolina have gone through statewide, district and local training schools conducted by the Institute of Government since the first statewide school for law enforcing officers in Chapel Hill in the summer of 1929, followed by the first statewide school for all groups of public officials in the summer of 1932. The movement beginning with the law enforcing officers of North Carolina in 1929, growing into the Governmental officers of North Carolina in succeeding years, growing into the Institute of Government of North Carolina in 1932 and of the University of North Carolina in 1942, is now growing into a great University of Public Officials within the Greater University of North Carolina. More than one thousand officials have attended Institute training schools the last six months of 1944.

At the beginning of the year 1945

we of the Institute staff know that we have only scratched the surface of our opportunities; but we know we have scratched deeply enough to see that city, county, state and federal officials with all their interlocking, overlapping and conflicting interests are working together in building the Institute of Government into an educational institution through which they are steadily lifting themselves by their own bootstraps to higher levels of performance. We know, too, that this Institute of Government in North Caro-

lina is blazing the trail for similar Institutes in other states as its story is carried throughout the country by the Reader's Digest, the National University Extension Association Bulletin, Newsweek, Collier's, National Municipal Review, American City, Pathfinder, International News Photos, World Wide Photos, the Office of War Information, and the rest; as inquiries about our work come flooding in from officials and citizens living in states throughout the Union and fighting on battlefronts throughout the world.

1944 Schools for Law Enforcing Officers

Since 1929 statewide Institutes for law enforcing officers have expanded from three days, to five days, to ten days—time enough to give the barest outlines of elementary instruction in the general principles of law enforcement.

1944 witnessed the farthest forward training step taken in any

year since 1929. Specialized schools stemmed out of generalized schools. Three hours of instruction in Police Records in previous general law enforcement schools expanded to a three-day Police Records School; seven hours on Scientific Criminal Investigations expanded to a seven-

(Continued on page 16)



Law Enforcing Officers at Police Executives Conference

Allen, Reidsville; C. H. Casteen, Wilmington; J. C. Still, Special Agent, FBI, Charlotte; John Fries Blair, Assistant Director, Institute of Government; Winder Bryan, Raleigh.

Fifth row: J. W. Jessup, Concord; T. J. Davis, Burlington; W. W. Spence, Elizabeth City; C. A. Stanford, Burlington; H. T. Hines, Goldsboro; G. C. Robinson, Roxboro; E. R. Leary, Durham; C. W. Rigshee, Durham; S. L. Woods, Durham.

Sixth row: Clifford Pace, Assistant Director, Institute of Government; J. E. Oakes, Greensboro; E. Q. Seawell, Greensboro; H. H. Horton, Raleigh; H. E. King, Durham; W. E. Gates, Durham; Louis A. Cherry, Assistant Director, Institute of Gov.

Fingerprint School: May 22-June 4



This classroom scene of the two-week Fingerprint School conducted by the Institute of Government in co-operation with the Federal Bureau of Investigation was repeated, with variations, every day for two weeks. The same standards of expert instruction and hard work which were set in early Institute of Government training schools for law enforcement officers characterized this fingerprint course, which was designed to enable inexperienced men to return to their departments and set up

identification systems and to refresh experienced men in their work.

M. C. O'Melia, Special Agent of the FBI assigned to the Identification Division, carried the bulk of the instruction, with supplemental instruction by the Institute staff and by local identification officers. O'Melia made a considerable dent in the Institute's chalk supply as he drew pattern after pattern on the blackboard to illustrate his instruction on loops, whorls and arches, deltas, cores and type lines—all good fingerprint terms.

Police Records Systems: September 24-27



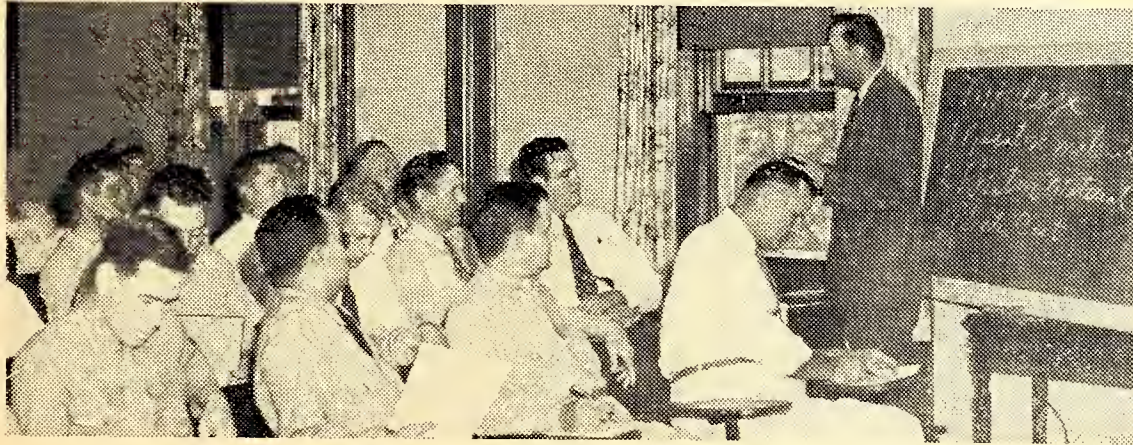
Women study Records—first to attend an Institute of Government law enforcement school.



The three days devoted to the Institute's school for records officers and employees was certainly no more than was needed for this highly specialized subject.

A. E. Leonard, Special Agent of the FBI, who provided the maining the purpose and function of police records in the department, opened the subject by emphasizing the community. Dealing with actual sample forms in each case, those attending the school then considered the component parts of a records system and how they are maintained: the Registers of Offenses Known to the Police and of Persons Charged, for use in smaller communities and counties; complaint reports, offense reports, investigation reports, and the writing, indexing and maintaining of such reports; arrest records and criminal histories; stolen property files; and accident and identification records.

Scientific Aids in Crime Detection: September 17-23



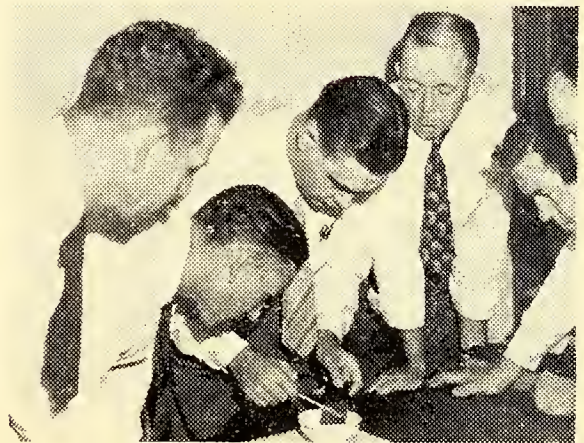
The application of science—chemistry and physics and related subjects—to the detection of crime and the apprehension of criminals has now become a necessary part of the knowledge and experience of every law enforcement agency. To make this knowledge and experience available to these agencies in North Carolina was the object of the seven-day school in Scientific Crime Detection.



How to mix and apply plaster of paris at a crime scene to preserve foot-prints, tire marks and other such evidence took the class out of doors for a morning session.



In addition to the work with plaster of paris, the instruction covered reproduction of evidence with moulage and the general methods of preserving evidence for the laboratory. Ballistics, tool-mark identification and glass-fracture examinations were discussed and demonstrated.



Indoors, the laboratory groups worked with acid solutions to bring up fictitious serial numbers filed off imaginary bicycles, automobiles, etc. The "recipe" for the solutions was furnished to the officers for use in their daily work.



Crime scene searches were conducted both indoors and outdoors. The officers saw in practice the proper method of searching and covered the fundamentals of drawing and charting crime scenes. Evidence discovered in an outdoor search is examined by officers and instructors in this scene.

Traffic Law Enforcement: October 1-12



In the picture above are shown the teaching staff and members of the state-wide school on Traffic Law Enforcement which assembled at the Institute of Government in Chapel Hill on October 1 for twelve days of intensive training. On the teaching staff were included representatives of the Institute of Government, the Federal Bureau of Investigation, the Yale University Bureau for Street Traffic Research, the Department of Motor Vehicles and the State Highway and Public Works Commission. In introducing Inspector L. A. Hince, Director Coates pointed out how the assistance of the Federal Bureau of Investigation had run like a golden thread through all the schools for law enforcing officers conducted by the Institute of Government.

The school was designed with the idea not only that all officers concerned with traffic should be acquainted with the entire field of traffic law enforcement, but also that they should work together in a spirit of confidence and cooperation. Among those attending the school were members of the State Highway Patrol, of town and city police departments, of Adjutant Generals' offices from military camps and ma-

rine bases where traffic problems have become acute.

The instructors pointed out that perhaps no state, county or municipality has a better opportunity to create a favorable first impression than through its police department. Perhaps no police department has a better opportunity to build up good will than through its traffic officers. They come in contact with a larger segment of the public than any other division of a law enforcement agency. The persons with whom they deal are not ordinarily criminals and are not to be treated as such. They are merely the ordinary citizen in the main, in a vehicle or on foot.

Because good health contributes to the good appearance of a traffic officer and enables him to withstand the rigors of a life which takes him out in all weather and at all hours, there were lectures on physical conditioning. There were also demonstrations of the technique and mechanics of arrest and of defensive tactics.



Most of the time was spent in the classroom where the instruction continued, usually, for ten hours a day. There the control and direction of traffic was considered, the investigation of accidents, the making of accident reports and records, and all the steps through which the officer goes from the time of making his report until, if someone is arrested or charged with a crime, the officer's testimony is delivered in court. There also were studied the law of automobiles, which the officer must know if he is going to be able to enforce it, the marking of roads and the duties of the police in traffic safety education. Though the



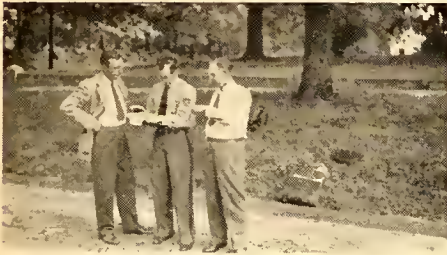
benches were hard, the instructors received unfailing attention.

Accident investigation field work was a diversion, but also an important part of the instruction. Fake accidents were staged by one group which another group was called upon to investigate. Skid-marks and gore defaced the streets, with the permission of the Chapel Hill police department. So realistic was the portrayal that one inhabitant of Cameron Avenue called in to the police station to find out who, if anyone, had been killed.

The officers were taught to go through all the preliminary steps in an accident investigation, proceeding to the accident scene as rapidly as could be done with safety; parking the police car properly, in compliance with the law, if possible; taking care of all the injured people and their property; protecting and safeguarding the accident scene.

At the scene of the accident the officers were taught to locate and interview the drivers and other witnesses, to compare their statements, and under certain circumstances to have the statement of one repeated in the presence of the other.





It was pointed out that in the investigation of a hit-and-run accident an exhaustive search of the accident scene may be more than usually important. Perhaps on the ground there will be found a hub cap, an ornament, a piece of radiator grill, a bit of glass. Perhaps it will only be a bit of paint knocked off, grease containing metal grindings, or a distinctive bit of soil. Perhaps when a suspected car is located, there will be on it a splash of blood, a human hair or a fiber from the victim's clothing.

Sometimes there will be nothing to identify the car, but if the driver ran away or got out to investigate and then drove on there may be, at least, a human footprint.



Through demonstration and practice the officers learned how to preserve such a footprint, or rather to produce a replica of the heel that made it, for identification of a suspect's shoe and introduction as evidence in court. This was done by very carefully filling the hole with plaster of paris which was re-enforced with sticks so as to prevent breaking.

Persons involved in hit-and-run accidents do not always get out of cars, however. But always their cars have been there, and cars themselves leave tracks. If an automobile track is located in soft dirt, the impressions which the tire made can be reproduced in the same way by

blocking off a small portion of the track with two barriers of dirt and filling the space between with plaster of paris. This cast, whether of footprint or tire, is called a moulage.



How much may one expect to be able to prove by such a moulage? The officers were told that the testimony of leather heels is none too sure a guide, but that the impression of rubber heels, when new, is likely to show a trade-mark; when older, some distinctive cut or wearing in the rubber.

As to automobile tires, it was said that occasionally the cast of a tire track betrays some distinctive injury or marking, so that it is possible to identify the specific tire that made it. Even if that is not true, it may be possible to limit the search for the automobile and to eliminate some suspects by establishing at least the size and model of the tire by a careful scrutiny of its sides and tread.



The officers also received practical experience in taking measurements at accident scenes. There was an explanation of the use of measurements in determining the force and direction of the impact and in estimating speed from skid-marks. Particular stress was laid on accurate measurements and the importance of the exact location of the cars and of the point of impact.



Traffic surveys took up a considerable portion of the time during at least two days of the school. There was a discussion of the methods both of taking and of using speed surveys, volume surveys, observance surveys and origin-destination surveys. During all of one beautiful fall afternoon the students stood or sat at street corners or between intersections, checking the speed of cars, the number and type of vehicles that passed, whether they went straight ahead or turned to right or left, and the extent, if any, to which they obeyed the local traffic regulations. The afternoon was one of the most enjoyable of the entire school. It also demonstrated how a scientific basis can be laid for erecting a stop light, for changing traffic regulations, for making suggestions to the engineers, and for finding out where and when there should be a particular effort toward enforcement.

Even the pedestrian came in for his share of the talk. There was a discussion of the present regulations, not always known by pedestrians, of methods of improving them, and ways, by engineering, of making the roads more safe.

Below is shown one of the FBI instructors who taught in the school, here somewhat in danger of becoming a pedestrian problem himself.



General Law Enforcement: October 22-November 3



Partaking of portions of all the specialized schools and including also the law and techniques in arrests, searches and seizures, interrogation of suspects, and similar topics, the General Law Enforcement school was designed for officers on general duty.

Attending this school were: Front row, left to right: Peyton B. Abbott, Assistant Director, Institute of Government; Louis A. Cherry, Assistant Director, Institute of Government; Major John Armstrong, State Highway Patrol, Raleigh; Thomas Creekmore, State Bureau of Investigation, Raleigh; James A. Carlson, Special Agent, FBI; John Fries Blair, Assistant Director, Institute of Government; Albert Coates, Director, Institute of Government; Clifford Pace, Assistant Director, Institute of Government.

Second row: P. E. Sebring, Fayetteville; N. T. Faulkner, Rockingham; C. M. Pollard, Durham; A. B. Armstrong, Newton; J. M. Kelly, Raleigh; L. R. Wrenn, Greensboro; R. H. Mitchell, Reidsville.

Third row: Eugene Spell, Durham; R. W. Mills, Winston-Salem; S. V. Brooks, Albemarle; H. L. Furr, Albemarle; Sgt. F. W. Engleman, Cherry Point; C. L. Wooten, Durham; R. C. Barlow, Winston-Salem; Z. T. Sherrill, Greensboro.

Fourth row: E. P. Simmons, Lenoir; H. L. Winslow, Elizabeth City; N. J. Wolfe, Wilmington; Howard L. Pierce, Special Agent, SBI, Raleigh; W. D. Blake, Chapel Hill; R. C. Arnett, Welch Cove; Clifford Heffner, Hendersonville.

Fifth row: I. C. Crawford, Asheville; M. M. Carstarphen, Elizabeth City; M. J. West, Durham; Sgt. G. W. Baskin, Cherry Point; Sgt. O. L. Gibson, Bluthenthal Field, Wilmington; J. M. Terrell, Burlington; D. L. McCulloch, Greensboro; H. F. Barrow, Burlington.



Scenes from the diversified program which excluded the specialties of the other schools for law enforcing officers, and covered portions of all of them.

Institutes for Newly Selected Officials

Sheriffs Study Civil Duties

Although the county sheriff is thought of by the public most often in connection with his work as a criminal law enforcement officer, he also has many important civil duties to perform. As the executive arm of the courts, it is his duty to serve all summonses and other process of the Superior Court and such as may be directed to him by inferior courts, and to execute judgments and other writs. Upon the manner in which he discharges the civil functions of his office, substantial rights of citizens may and often do depend.

Duties as Process Officer

On November 28 and 29, sheriffs and sheriffs' deputies from all sections of North Carolina met at the Institute of Government building in Chapel Hill to study and discuss several important phases of their duties. Among the topics covered were the time and manner of summonses and other process of the Superior and inferior courts, the time and manner of making returns and the duties of sheriffs with respect to executions. The possibility of a sheriff's being held personally liable for carelessly or improperly performing these duties was pointed out by reciting the holdings in a number of Supreme Court decisions.

Status and Powers of Deputies

There is no general statutory authority for the appointment of deputies, nor have their powers and duties been defined by the Legislature. The office of sheriff is a very old one, extending back in English law at least a thousand years. Many of the features of his office are still controlled by the common law. This is true, except in a few instances of special legislation, as to his relationship with his deputies. The Court has held that the relationship is that of principal and agent. Therefore, the law of agency must be studied in order to discover the qualifications of a deputy and the liability of a sheriff for his acts or omissions. It was suggested that



SHERIFFS

Front row, left to right: E. G. Shore, Forsyth County; John R. Morris, Secretary N. C. Sheriff's Association, Wilmington; C. D. Jones, New Hanover County; R. E. Pitts, Catawba County.

Second row: W. A. Mickle, Deputy Sheriff, Forsyth County; W. H. Shuford, Deputy Sheriff, Forsyth County; W. D. Morrison, Iredell County; J. W. Creagh, Jones County; C. J. McDonald, Moore County; H. D. Stanley, Columbus County; R. C. Herman, Deputy Sheriff, Catawba County.

Third row: J. H. Gunn, Caswell County; S. B. Yopp, Deputy Sheriff, New Hanover County; H. L. Smith, Deputy Sheriff, Bertie County; E. G. Belvin, Durham County; J. R. Cline, Cleveland County; R. W. Tyson, Pitt County; E. D. Bruton, Montgomery County; S. M. Gaddy, Anson County.

Fourth row: Clifford Pace, Louis A. Cherry, Peyton B. Abbott, Assistant Directors, Institute of Government; O. L. Harrison, Deputy Sheriff, Granville County; E. P. Davis, Granville County; W. T. Beasley, Deputy Sheriff, Granville County; Albert Coates, Director, Institute of Government; John Fries Blair, Assistant Director, Institute of Government; J. W. Harleton, Deputy Sheriff, Stanly County; R. T. Furr, Stanly County.

since the sheriff may be personally liable for the mere non-action of the deputy, the bond of the deputy should be carefully drawn to cover not only an embezzlement or loss of money, but also any amercement or suit for which the sheriff is personally liable, growing out of the manner in which the deputy handles those duties which are assigned to him.

Clarification of Laws Needed

It was agreed by the sheriffs present that considerable work needed to be done toward the clarification as well as modernization of the laws affecting the sheriff and his large

variety of duties. In many instances he is held to a very strict accountability by statutory provisions or by common law rules; yet his method of procedure is often ill-defined, vague, or even practically impossible. He is too often called upon to accomplish a particular result, under penalty of a substantial forfeiture, without at the same time being empowered to demand reasonable assistance from the moving party, or even adequate funds to cover the actual costs.

All of the discussions, which were conducted by Peyton B. Abbott, Assistant Director of the Institute of Government, were participated in generally by all of the sheriffs and deputies present.

Institutes for Registers of Deeds and Clerks of Court

Registers

The Registers of Deeds of North Carolina assembled in Chapel Hill on November 21 for a consideration of their mutual problems. The meeting was arranged by the Institute of Government, and discussions were led by John Fries Blair of the Institute staff, George Lawrence of the Department of Public Welfare of the University of North Carolina, J. G. McAdoo, Register of Deeds and C. T. Boyd, Attorney, of Guilford County and W. G. Massey, Register of Deeds of Johnston County. Everyone present, however, had his share in the asking of questions and the suggestion of answers.

Chief topics for discussion were birth certificates and delayed birth certificates, problems created by the war in the issuance of marriage licenses, the recording and indexing of deeds and deeds of trust, with particular attention to marginal entries, uniformity of instruments and thresher licenses.

Albert Coates, Director of the Institute of Government, outlined plans of the Institute to conduct during the Spring a series of district schools for Registers of Deeds and to revise and bring up to date the Institute guidebook.

Officers elected for the ensuing year were: W. G. Massey, Johnston County, President; J. H. McAdoo, Guilford County, First Vice-President; and J. W. Johnson, Cumberland County, Second Vice-President.

Clerks

The urgent need for legislation which will permit the proper administration of the estates or affairs of missing members of the armed forces was one of the topics discussed by the Clerks of the Superior Court at a meeting held by the Institute of Government in Chapel Hill on November 21 and 22. A large number of the messages received by the families of missing servicemen fall short of the requisite proof of death, and a law is needed which will enable the Clerk to protect the administrator in administering the estate in accordance with the statute.

It was also suggested that G.S. 31-26, dealing with "Probate of wills of members of the armed forces" be clarified by the addition of an amendment.

Practical discussions upon the duties of Clerks in the execution of wills, probate of wills, forfeiture of legacies, witnesses, qualifying executors and administrators and the securing of proper bonds, and the powers and duties of assistant and deputy clerks proved to be of sufficient interest and importance to a number of the Clerks that the discussions were continued for more than an hour after a session had been brought to a close.

Discussions were led by Professor Fred B. McCall of the University of North Carolina Law School, Mr. William E. Church, Clerk of Forsyth County Superior Court, and Peyton B. Abbott, Assistant Director of the Institute of Government.



Seated, center: Peyton B. Abbott, Assistant Director, Institute of Government; E. M. Underwood, Lee County; J. H. McAdoo, Guilford County; Mrs. J. F. Harrington, Pitt County; Mrs. C. C. Campbell, Bladen County; Mrs. R. T. Cox, Pitt County; W. G. Massey, Johnston County; J. F. Harrington, Pitt County; A. T. Wood, Franklin County.

First row, standing: L. H. West, Yadkin County; H. V. Rose, Johnston County; R. V. Wells, Duplin County; T. C. Bethea, Rockingham County; R. L. Smith, Stokes County; C. T. Boyd, Guilford County; A. A. Maness, Montgomery County; R. T. Cox, Pitt County; W. E. Church, Forsyth County; R. E. Wall, Rockingham County; Albert Coates, Director, Institute of Government.

Second row: C. G. Smith, Iredell County; E. A. Houser, Jr., Cleveland County; F. E. Liles, Anson County; C. V. Smith; C. L. Jones, Scotland County; J. E. Laws, Orange County; John Fries Blair, Assistant Director, Institute of Government; D. T. Townsend, Bladen County; R. T. Moore, Yadkin County.

Institutes Discuss Local Taxation

Tax Supervisors, Tax Collectors and Attorneys Hold Meetings

In a series of three meetings held during November and December by the Institute of Government, the entire field of county and city ad valorem taxes, from the time list takers and assessors meet with the tax supervisor to the delivery of a

deed in a tax foreclosure proceeding, was brought into review. The meeting of the tax supervisors, held on November 13, 14 and 15 was followed on December 5 and 6 by city and county tax collectors and on December 8 and 9 by attorneys.

Tax Supervisors

In the tax supervisors' discussions, emphasis was placed upon the matter of obtaining a fair and full listing of personal property, and upon improved methods of listing and assessing real estate. Also emphasized throughout the meeting was the duty of observing absolute fairness and impartiality in assessing property, and of treating all taxpayers as nearly alike as possible. This requirement was brought out clearly in a thoughtful address by J. Curtis Ellis, Tax Supervisor and County Accountant of Nash County.

Starting with a little skit depicting the manner in which list takers should *not* perform their duties, suggested specific instructions which might be given to list takers and assessors were discussed. It was generally agreed that four steps might be taken which would tend to increase substantially the listings of personal property and at the same time promote county-wide uniformity and equality: (1) Itemize all types of property commonly found in the county in as great a degree as possible, avoiding as far as possible such "lumped" items as "all other personal property" or "all other farm implements and machinery." (2) Require the list takers to spend sufficient time with each tax payer to go over the entire list, item by item, unless it is obvious that the particular tax payer would not have that type of property. (3) Provide the list takers with a schedule of values for different grades or makes of property, with instructions as to how the property should be classified or graded. (4) Require the list takers to abide by the schedule of values in all cases.

Considerable attention was devoted to the matter of improving real estate assessment procedure. Discussions of various features of this

work were led by Virgil W. Joyce, Forsyth County Tax Supervisor, W. Z. Penland, Buncombe County Tax Supervisor, R. A. Grier, Assistant Tax Supervisor of Mecklenburg County and W. V. Hawkins, Mecklenburg County Tax Appraiser.

Others who appeared on the program were A. J. Maxwell, Director

of the Division of Tax Research; J. C. Bethune, Secretary of the State Board of Assessment; W. O. Suitor, Assistant Director of the Tax Research Division; J. C. Ellis, retiring President of the Tax Supervisors' Association; Albert Coates, Director of the Institute of Government; and Clifford Pace and Peyton B. Abbott, Assistant Directors.

At the close of the meeting, the following officers were elected for the ensuing year: Virgil W. Joyce, Forsyth County, President; J. A. McGoogan, Hoke County, First Vice-President; and Eugene Irvin, Rockingham County, Second Vice-President.



TAX SUPERVISORS

Front row, left to right: Albert Coates, Director, Institute of Government; Mrs. J. G. Lewis, Iredell County; Mrs. F. A. McJunkin, Iredell County; Mrs. J. C. Spencer, Caldwell County; Mrs. L. Ivey, Robeson County; Mrs. Dorothy Mitchell, Transylvania County; Miss Flora Wyche, Lee County; Mrs. P. S. McMullan, Chowan County; Miss Mary Covington, Richmond County.

Second row: J. H. Coward, Pitt County; J. A. Orrell, New Hanover County; W. Z. Penland, Buncombe County; Peyton B. Abbott, Assistant Director, Institute of Government; J. C. Ellis, Nash County; Virgil Joyce, Forsyth County; R. A. Grier, Mecklenburg County; Addison Hewlett, New Hanover County; R. B. Gates, Lincoln County.

Third row: J. W. Emerson, Jr., Chatham County; D. M. Calhoun, Bladen County; J. A. McGoogan, Hoke County; T. C. Ware, Gaston County; C. E. Gwin, Catawba County; U. V. Hawkins, Mecklenburg County; J. C. Bethune, Secretary State Board of Assessment; C. D. Stevenson, Iredell County; Clifford Pace, Assistant Director, Institute of Government.

Fourth row: Louis A. Cherry, Assistant Director, Institute of Government; W. J. Webb, Granville County; C. M. Williams, Alamance County; James H. Sherrill, Caldwell County; G. W. Ray, Orange County; F. W. McGowen, Duplin County; T. R. Short, Guilford County; Ray Woodson, Madison County; P. S. McMullan, Chowan County; A. A. Maness, Montgomery County.

Fifth row: J. H. Boone, Franklin County; M. G. Williams, Lenoir County; W. M. Taylor, Forsyth County; R. J. Moore, Union County; H. D. Hart, Northampton County; J. P. Fulk, Surry County; John Fries Blair, Assistant Director, Institute of Government; U. W. Daugherty, Craven County.

Tax Collectors



Front row, left to right: H. M. Chason, Bladen County; P. G. Cain, Elizabethtown; Miss Reeves Forney, Shelby; Miss Mildred Whitehurst, Beaufort; Miss Dixie Graham, Elkin; A. E. Akers, Roanoke Rapids.

Second row: P. W. Davenport, Charlotte; C. C. Rich, Wake County; C. C. Davis, Hillsboro; J. P. Brown, Asheville; E. O. Moore, Carteret County; I. R. Mangum, Greensboro.

Third row: J. K. Pfohl, Jr., Forsyth County; T. R. Short, Guilford County; C. N. Alston, Concord; W. F. Snuggs, Albemarle; J. M. Markham, Durham; P. W. Clapp, High Point.

Fourth row: Clifford Pace, Assistant Director, Institute of Government; R. L. Shoe, Rowan County; R. W. Stanford, Greensboro.

Fifth row: Albert Coates, Director, Institute of Government; Peyton B. Abbott, Louis A. Cherry, John Fries Blair, Assistant Directors, Institute of Government.

Not present for the photograph were J. H. Sherrill, Lenoir County and J. H. Stewart, Henderson County.

The city and county tax collectors' program centered upon ways of improving collection methods and handling and reporting collections. Considerable attention was paid to the matter of levying upon personal property and attaching intangibles for the non-payment of taxes. It was suggested that the law relative to the garnishment of wages should be revised and clarified.

Many matters which cause collectors considerable trouble and the handling of which might be greatly improved to the mutual benefit of the public and the taxing unit by amendments to the law were brought out. For example, the present requirements for handling prepayments require two or three times the amount of work that would be actually necessary if the law were changed to permit handling upon a more business-like basis. The two rates of interest, one applying to delinquent real estate taxes and the other applying to delinquent personal property taxes which are not liens upon real estate, also came in

for criticism. Not only does this result in discrimination, but it necessitates the maintenance of two penalty schedules when it would appear to be fairer and simpler to impose penalties at the same rate upon all delinquent taxes.

Association Formed

At the conclusion of the meeting and as an instrumentality for the improvement of practices and procedures in tax offices, the collectors

voted to form an association, to be known as the North Carolina Association of City and County Tax Collectors, with membership open to all collectors in the state. The following were elected as officers for the first year: J. K. Pfohl, Jr., Forsyth County, President; James H. Sherrill, Caldwell County, First Vice-President; and Miss Reeves Forney, Shelby, Second Vice-President.

Looking toward the improvement in local tax collecting procedure and in increasing the efficiency of local tax offices, the officers appointed a legislative committee composed of themselves and the following members: J. P. Brown, Asheville; Irwin R. Mangum, Greensboro; H. M. Chasen, Elizabethtown; and C. C. Rich, Wake County. It is the purpose of the legislative committee to study the laws affecting the office of the tax collector and to suggest amendments or changes in the law which will make for greater administrative efficiency. It is reasonable to suppose that those who are dealing with problems of collection will be daily running into "bugs" in the law or obscurities in procedures, and that a cooperative study should greatly advance a desirable improvement.

The discussions of problems relative to the work of the local tax collector were led by Peyton B. Abbott, Assistant Director of the Institute of Government. Also appearing on the program were Dean R. B. House of the University of North Carolina, Albert Coates, Director of the Institute of Government, and J. K. Pfohl, Jr., Winston-Salem-Forsyth County Tax Collector.

City and County Attorneys

Although a large part of the program for city and county attorneys was devoted to the matter of tax foreclosures, the foreclosure of special assessments, and other legal phases of local tax administration, such as levies and attachments, the validity of assessments, and exemptions, other phases of the work of city and county attorneys received considerable attention, also.

Grover H. Jones, City Attorney of High Point, discussed the tort liability of cities, with special reference to the construction and opera-

tion of sewage disposal plants. Charles W. Tillett, City Attorney of Charlotte, discussed "A City and Its Money." He outlined the legal safeguard which had been erected to prevent undue expenditures of public funds and pointed out a number of expenditures which could or could not be made without the approval of a popular vote.

The program was directed by Peyton B. Abbott, Assistant Director of the Institute of Government, with Albert Coates, Director, participating.

Traffic Engineering, Street Construction and Maintenance Institutes



Front row, left to right: Theodore M. Matson, Director, Yale University Bureau for Street Traffic Research; Albert Coates, Director, Institute of Government; W. Vance Baise, State Highway Engineer, State Highway and Public Works Commission; Charles Ross, Chairman, State Highway and Public Works Commission; T. B. Ward, Director, Dept. of Motor Vehicles; Ronald Hocutt, Head Highway Safety Division, Dept. of Motor Vehicles; James S. Burch, Engineer of Statistics and Planning, State Highway and Public Works Commission; Wilbur Smith, Assistant Director, Yale University Bureau for Street Traffic Research.

Second row: J. E. Dunn, Richmond, Va.; M. T. Atkins, Sr., Durham; T. A. Burton, Greensboro; J. W. Jenkins, Greensboro; J. H. Councill, Lenoir; J. F. Shields, High Point; John H. Stevens, Asheville; W. M. Corkill, Asheville; H. D. Irving, Greenville; L. M. Ross, Charlotte; T. J. McKim, Asheboro; B. W. Davis, Raleigh; L. E. Whitfield, Asheboro; V. E. Brown, Asheboro.

Third row: T. B. Wilson, Raleigh; T. C. Dove, Monroe; C. M. Hartsock, Raleigh; C. E. Brown, Fayetteville; E. A. Crump, Wilson; T. V. Fahnestock, Raleigh; J. D. Miller, Tarboro; J. H. Oglesby, High Point; Lee Wilson, High Point; E. J. Sharpe, High Point; M. E. Beatty, Albemarle; J. A. English, Salisbury; R. W. Wilcox, Baltimore, Md.; L. G. Watters, Raleigh; J. E. Oakes, Greensboro.

Fourth row: P. L. Welch, Greensboro; H. D. Hester, Raleigh; W. E. Love, Burlington; C. L. Barnhardt, Raleigh; C. E. Proudley, Raleigh; J. A. Merritt, Kinston; T. C. Kirkman, High Point; L. V. Jay, Raleigh; E. L. Kemper, Shelby; S. L. Willard, Burlington; R. S. Harris, Durham.

Fifth row: L. H. Wilson, Greensboro; R. S. Thomas, Greensboro; P. W. Snead, Chester, Va.; L. E. Akers, Richmond, Va.; H. A. Fennell, Richmond, Va.; E. L. Eriksen, Atlanta, Ga.; John Fries Blair, Assistant Director, Institute of Government; M. M. Todd, Richmond, Va.; W. E. Yow, Asheboro; Lieut. D. T. Lambert, Greensboro; Sgt. S. D. Moore, Charlotte; Lieut. A. T. Moore, Fayetteville; Louis A. Cherry, Assistant Director, Institute of Government; Sgt. W. W. Stone, Greensboro; Clifford Pace, Assistant Director, Institute of Government; H. S. Kennedy, Shelby; Sgt. W. L. Hatcher, Shelby.

When the State Highway Patrolman and the Division Engineer of the State Highway and Public Works Commission, when the City Engineer and the City Traffic Officer get together, to what may the motorist look forward? A Conference on Traffic Engineering embracing these four groups and including representatives from other states was held at the Institute of Government at Chapel Hill for five days beginning December 10 and was the first meeting of its kind to be held in the Southeast. The program was arranged by Theodore Matson, Director, and Wilbur Smith, Associate Director of the Yale University Bureau for Street Traffic Research, and the Institute of Government was proud to welcome to the teaching staff these representatives of that

outstanding organization devoted to research in the field of street and highway traffic, as well as James S. Burch, Engineer of Statistics and Planning, and Berrien W. Davis, State Maintenance Engineer, from the North Carolina State Highway and Public Works Commission, and T. Boddie Ward, Commissioner of Motor Vehicles, Lieut. Arthur Moore of the State Highway Patrol, and Ronald Hocutt of the Highway Safety Division. Members of the Institute staff assisted with the program.

The program involved a summary of street and highway policies, local, state and federal, as they have taken shape in the past and, even more important, as they are likely to take shape in the postwar era. The implications of federal aid for urban

areas was discussed as was the entire problem of coordinating urban with rural road development.

In connection with highway planning, particular stress was laid on the imperative necessity of the objective approach to the traffic problem, and various types of scientific surveys were explained, by the use of which it might be possible to arrive at the proper analysis of the problem in a particular locality and to achieve the right result.

The regulation of traffic, however, came in for equal emphasis, including the extent to which roads may be made safe by control of the driver, the policy with which the law should be enforced, the cooperation of the courts, and suggested changes in legislation.

More technical engineering prob-



Law Enforcing Officers attending Traffic Institute

lems also came in for their share of consideration, with discussions of traffic design, channelization, intersection re-design, and the particular problems affecting congested areas in cities.

As the meeting moved to its close, the engineers and the enforcement officers brought in written suggestions as to methods by which the ideas evolved in the meeting might be perpetuated and put into practice. These involved the holding of district meetings at which enforcement officers and engineers might become acquainted with their mutual problems, periodic contacts for the exchange of information and ideas, the investigation of accident scenes and hazard areas together, the exchange of information derived from accident reports, and consultation about signs, speed zones and other administrative regulations of traffic.

Street Construction and Maintenance Institute

The final session of the Traffic Engineering Institute was also the opening session of the Street Construction and Maintenance Institute, which was originated as a one-day session in 1943 and proved so successful that it was perpetuated as a two-day session in 1944. The program for this meeting was planned by the State Highway and Public Works Commission and conducted by Charles Ross, Chairman; W. Vance Baise, State Highway Engineer; T. Boddie Ward, Commissioner of Motor Vehicles; and Albert Coates, Director of the Institute of Government.

This Institute was attended by many city engineers who had been unable to attend the previous conferences, and discussions were led by James S. Burch, Engineer of Statistics and Planning; T. V. Fahne-

stock, Bituminous Engineer; Berrien W. Davis, State Maintenance Engineer; L. D. Hicks, Senior Materials and Testing Engineer; C. E. Proudley, Chief Materials and Testing Engineer; S. C. Austin, Equipment Engineer; Frank H. Brandt, Landscape Engineer; R. Gettis Browning, Engineer of the State Highway and Public Works Commission; and engineers from division offices.

The prospect for postwar development of activities of transportation in cities was in the forefront, and was discussed from the standpoint of finance, re-acquiring engineering skill and equipment, and the visions of a great system of arterial highways for postwar North Carolina.

More technical matters came in for consideration at this conference likewise, with a discussion of the various types of bases and stout surfaces, and, of particular interest in wartime, the patching of concrete and bituminous pavements.

A Great University of Public Officials

(Continued from page 5)

day School on Scientific Aids in Crime Detection; eight hours on Motor Vehicle Law Enforcement

expanded to a twelve-day school on Traffic Law Enforcement; nine hours on the uses of fingerprints expanded to a fourteen-day Fingerprint School: two weeks were devoted to a General Law Enforcement School.

This program could not have been planned and carried out without the assistance of the FBI. And we are happy to repeat here the acknowledgement written in the "Story of the Institute of Government," recently published by the National University Extension Association: "At this point I want to single out for special recognition the director, assistant directors and the staff of the Federal Bureau of Investigation for the part they have played in the Institute's training program for law enforcing officers in North Carolina. Year in and year out they have furnished instructors, materials and equipment without stint or limit. If the state of North Carolina is an outstanding example of federal, state and local collaboration in law enforcement and in the training of law enforcing officers, it is because these men of the FBI have helped to make it so."

Police Executives Conference: November 3-4

The 1944 program of Institutes for law enforcing officers culminated in a two-day Conference of Police Executives representing City Police Departments, County Sheriffs, State Highway Patrol, State Bureau of Investigation, Federal Bureau of Investigation, the North Carolina State Guard and the United States Army. Postwar police problems furnished the theme of this Conference, together with new phases of the age-old problem of keeping the peace likely to appear in the postwar world.



Engineers attending Traffic and Street Construction Institutes

The Attorney General Rules

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



I. AD VALOREM TAXES

A. Matters Relating to Listing and Assessing

25. Revaluations

To Sam Poole.

Inquiry: Is it mandatory upon a county board of commissioners to conduct a quadrennial re-assessment in 1945?

(A.G.) I am of the opinion that a board may omit the quadrennial re-assessment by adopting the alternative method of a horizontal increase or reduction. It seems to me that a board should pass proper resolutions finding that the present valuations throughout the county are fair and uniform and adopt assessments as passed by the last re-valuation for the county.

30. Situs of personal property

To R. G. Johnson.

Inquiry: Should a person who operates a retail mercantile establishment in town, and also owns a storage building located outside the town where he stores his surplus merchandise, pay town taxes on the merchandise in the storage building on January 1 of each year?

(A.G.) If the person referred to uses the place for storage solely as a place to keep his merchandise until such time as he may need it, and the storage place is in reality a separate and distinct part of his business, it might come within the provisions of Subsection 4 of Section 800 of the Machinery Act, which provides for listing personal property at the place where it is situated if the owner hires or occupies a place of storage. If the storage place is not in fact a separate establishment but is in reality a part of the store which is located in the municipality, then the provisions of Subsection 4 would not apply and the property should be taxed by the municipality under the general rule that personal property is to be listed at the residence of the owner.

VI. MISCELLANEOUS MATTERS AFFECTING COUNTIES

G. Support of the Poor

11. Payment of expenses in state hospitals

To O. L. Horton.

Inquiry: Is a county liable for the board and clothing of an indigent inebriate committed to the State Hospital?

(A.G.) G.S. 35-33 directs the clerk to inquire into the financial status of the inebriate being committed. If the inebriate has an estate sufficient to pay the cost of his attention and care, he should do so. If the inebriate is not financially able to defray these expenses, the statute provides that he shall be declared indigent and the actual cost and expense of restraint, care, etc., shall be borne and paid by the county from which he is committed. However, the section provides that there shall not be included in such cost and expense any charge except for board and clothing.

VII. MISCELLANEOUS MATTERS AFFECTING CITIES

J. What Constitutes Necessary Expense

10. Airports

To W. E. Smith.

(A.G.) Until there is some modification of the opinion of our Supreme Court in the case of *Sing v. Charlotte*, 213 N.C. 60, I am of the opinion that a town would not be permitted to levy taxes for the acquisition of an airport and the construction, maintenance and operation of same, unless it is authorized by a vote of the people.

TRIAL OF MILITARY PERSONNEL

Upon the written demand of his commanding officer, civil authorities are authorized to surrender a soldier for trial to military authorities in felony and other cases. See *State v. Inman*, 224 N.C. 531.

VIII. MATTERS AFFECTING CHIEFLY PARTICULAR LOCAL OFFICIALS

B. Clerks of the Superior Court

68. Changing names

To J. P. Shore.

Inquiry: Can a soldier stationed in a North Carolina camp file a petition to have his name changed pursuant to Chapter 101 of the General Statutes?

(A.G.) The applicant is required by this section to file his petition with the clerk of "the county in which he lives." It is my opinion that the General Assembly used the words "the county in which he lives" as meaning the county in which the applicant has his legal residence. And it is my opinion that where a person from another state enters the armed forces and is sent into North Carolina and has no intention of making the State his home, he would not thereby acquire a residence and be entitled to institute a proceeding to change his name in the county in which he is thus temporarily located.

C. Sheriffs

9. Appointments of deputies

To R. P. Waynick.

Inquiry: Who has authority to name a county jailer?

(A.G.) G.S. 162-22 provides that the sheriff shall have the care and custody of the jail in his county and shall be, or shall appoint, the jailer thereof. It is therefore apparent that, in the absence of a public-local act to the contrary, the jailer of a county is named by the sheriff. By public-local act in many counties, the commissioners name the jailer.

D. Registers of Deeds

8. Marriage—physical examination

To R. G. Brooks.

(A.G.) Inasmuch as our statute relating to the physical examination for marriage license, G.S. 51-9, provides that an original report from a laboratory approved by the State Board of Health is required to accompany the certificate of the regularly licensed physician, it is my opinion that a telegram is not the original report from the laboratory as required by the statute, and that a register of deeds should require the original report signed by the proper official of the approved laboratory.

L. Local Law Enforcement Officers

62. Jurisdiction

To C. R. Holmes.

Inquiry: If a police officer pursues a car outside of the corporate limits of his town, finds the driver to be intoxicated, and arrests him, does he thereby exceed his authority?

(A.G.) In the absence of a public-local act to the contrary, I am of the opinion that a police officer does not have authority to make an arrest in misdemeanor cases outside of the corporate limits of the city. Of course, there is no reason why the defendant should not now be arrested upon a proper warrant by a proper officer and tried for driving under the influence of intoxicating liquor, using the police officer as a State's witness.

120. Peace officers fund

To C. B. Sitterson.

Inquiry: Should the fee for the Law Enforcement Officers Benefit and Retirement Fund be included in the bill of costs where the warrant is withdrawn?

(A.G.) Unless the defendant is convicted or enters a plea of *nolo contendere* or unless the costs are assessed against the prosecuting witness, no amount may be legally charged for the benefit of this fund.

Q. Municipal Officers

5. City clerks

To Ronald Finch.

(A.G.) This office has heretofore ruled that a city clerk is a chief officer within the meaning of the statute requiring every mayor, commissioner, intendant of police, alderman or other chief officer of a town to be a qualified voter of the town.

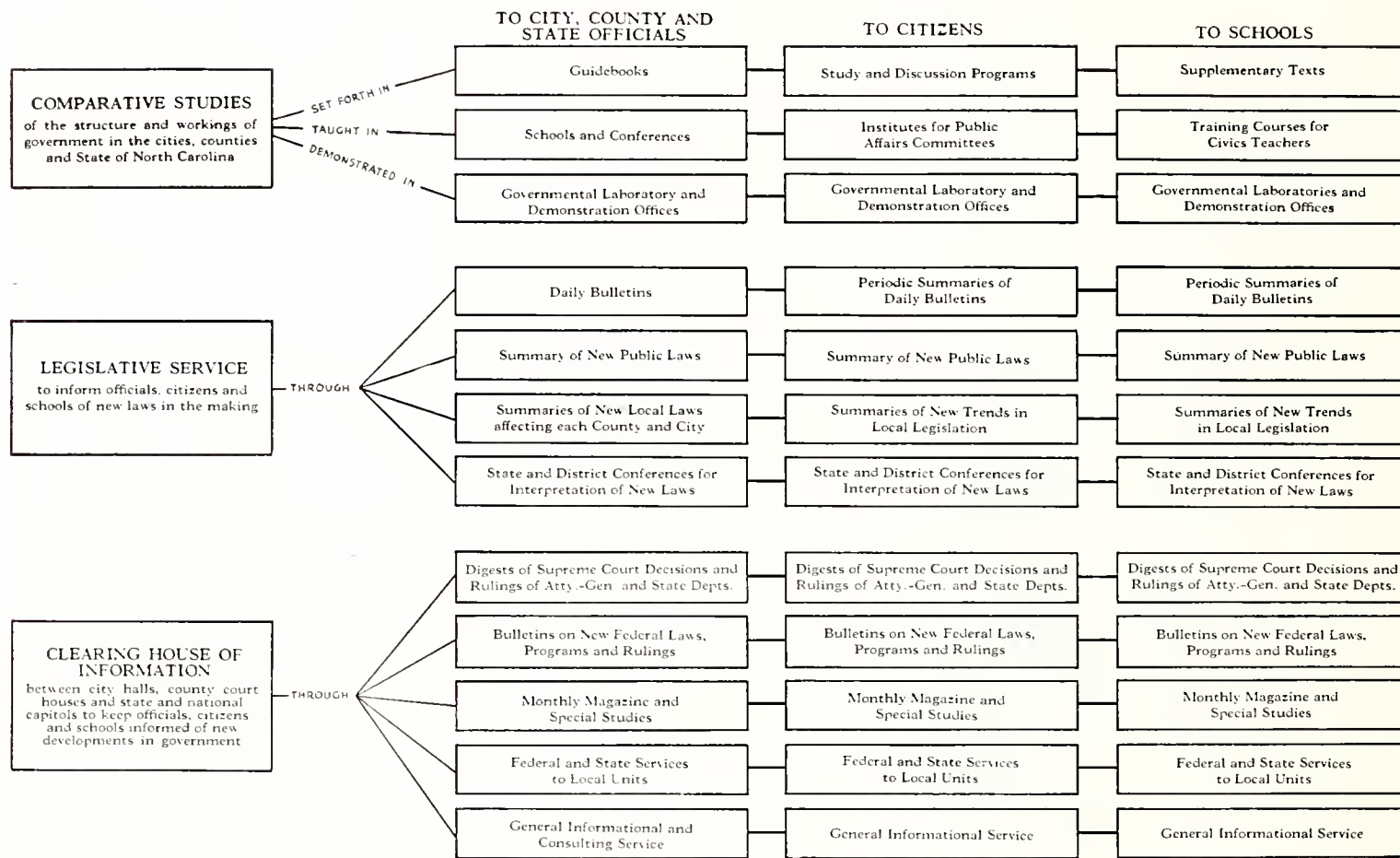
Z. Constables

2. Vacancies

To A. A. Padgett.

(A.G.) G.S. 151-6 provides that upon the death, failure to qualify or removal of any constable out of the township in which he was elected or appointed constable, or upon the failure of the voters of the township to elect a constable as required by law, the board of commissioners may appoint another person to fill the vacancy, the person appointed to serve until the next election of constables.

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