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NORTH CAROLINA BAR ASSOCIATION COMMITTEE ON LAW REFRESHER COURSES

Present for the opening of the first law refresher course for lawyer veterans, conducted by the Institute of overnment for the North Carolina Bar Association on February 8, 9 and 10, were the members of the Committee appointed by Louis J. Poisson, President of the Bar Association. First row, left to right: Luther Hartsell of the Concord Bar; Louis J. Poisson of the Wilmington Bar, President of the North Carolina Bar Association; Charles R. Jonas of the Lincolnton Bar, Chairman of the Committee; E. L. Cannon, Raleigh, Secretary of the North Carolina Bar Association; and Charles W. Tillett of the Charlotte Bar. Second row: Alan Marshall of the Wilmington Bar; Albert Coates, Director of the Institute of Government; and Isaac T. Avery, Jr. of the Statesville Bar.

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Law Refresher Courses

For Veterans Returning to the Bar in North Carolina

In the late fall of 1945 the North Carolina Bar Association, with the approval of the North Carolina State Bar, requested the Institute of Government to organize and conduct law refresher courses for veterans returning to the bar in North Carolina. The first session of these refresher courses, sponsored by the North Carolina Bar Association, was conducted by the Institute of Government in Chapel Hill during the week-end of February 8, 9, and 10 on state and federal income taxation.

Instruction and Instruction Staff

The Institute of Government welcomed to its instruction staff for this week-end course: Henry Brandis, Jr. and M. S. Breckenridge of the University of North Carolina Law School; Charles L. B. Lowndes of the Duke University Law School; William J. Adams of the Greensboro Bar; Richard E. Thigpen of the Charlotte Bar; and Leon Rice and R. C. Vaughn of the Winston-Salem Bar.

Lectures covered the following topics: Introduction to the Federal Income Tax; Taxable Income; Corporate Distributions; Deductions for Income Tax Purposes; Estates; Trusts; Tax Returns; Capital Gains and Losses; The Tax Benefit Theory; State Income Taxes; Comparative Income Tax Status of Partnerships and Corporations; Corporate Income Taxes; Accounting Problems; and Legal Handling of Tax Problems. Mimeographed summaries of these lectures edited by Henry Brandis, Jr. have been distributed to the lawyer veterans attending the course.

Other Courses

Three additional week-end sessions will be conducted by the Institute of Government in Chapel Hill: March 29, 30 and 31; April 26, 27 and 28; May 10, 11 and 12. Lawyer veterans attending these sessions from a distance are urged to arrive in Chapel Hill on Thursday evenings: March 28, April 25 and May 9 so as to be ready for the classes beginning on Friday mornings at 9 o'clock. Topics to be covered in these remaining sessions will include: Trial and Appellate Procedure in Civil Cases in State and Federal Courts; Trial and Appellate Procedure in Criminal Cases in State and Federal Courts; Evidence in State and Federal Courts; Trial of Personal Injury Cases; Problems Involved in Examining Titles, Drafting Deeds and Leases, Drafting Wills and Trusts; Problems Involved in Organizing Business Associations — Including Corporations, Partnerships, etc.; Negotiable Instruments; Credit Transactions; Insurance; Domestic Relations; Constitutional Law; Federal and State Income, Inheritance and Gift Taxation; Administrative Law and Procedure; and Labor Law.

INSTRUCTION STAFF

Brandis

Lowndes

Adams

Rice

Thigpen

Vaughn

Power of Cities and Towns in North Carolina

To Supplement and Alter Statewide Motor Vehicle Laws

By
JOHN FRIES BLAIR
Assistant Director Institute of Government

A municipal corporation has authority under the general law "to provide for the municipal government of its inhabitants in the manner required by law," and its governing body has such "power to make ordinances, rules and regulations for the better government of the town," not inconsistent with the chapter on Municipal Corporations and the law of the land, "as they may deem necessary," and to "enforce them by imposing penalties on such as violate them." In addition, cities and towns were given explicit authority in the Municipal Corporation Act of 1917 "to provide for the regulation, diversion, and limitation of pedestrians and vehicular traffic upon public streets, highways, and sidewalks of the city." On the other hand, as was pointed out in the article in the February issue of POPULAR GOVERNMENT, the State has undertaken to provide a comprehensive code of motor vehicle regulations which applies to the area both inside and outside cities and towns, and the duty to enforce this code rests not only on the State Department of Motor Vehicles and the State Highway Patrol but on local law enforcement officers as well.

To what extent, then, may a city or town still legislate with resepct tc traffic within its borders? The question is not an easy one to answer. It is true that the Motor Vehicle Act and the other laws for the regulation of traffic on a state-wide basis lay down certain particulars and certain limits within which cities and towns may legislate, and the Motor Vehicle Act then says that beyond that local authorities shall have no power or authority to alter any speed limitations declared in that act or to enact or enforce any rule or regulations contrary to the provisions of that act. At least three questions, however, are left open. Does an alteration consist in making the provisions of the State law more stringent or less stringent, or is either departure a violation of the State law? If the State has made partial regulation of a particular aspect of driving, may the city or town make more complete regulation? If the State has not attempted to regulate a particular aspect of driving at all, may the city or town do so?

This article will not attempt to give complete answers to those questions. Only in a technical article of considerable length could even tentative conclusions be arrived at. Rather, this article will attempt to enumerate those fields in which, by statute, cities and towns are permitted to legislate and to suggest possible limits to those fields. It may suggest also certain other fields in which a small amount of regulation would be upheld by the courts. Two considerations should be borne in mind, however. One is that there is a certain advantage in uniformity of regulation, in order that drivers resident in one place may know how to behave in another. The other is that there is sometimes an even greater advantage in particularity of regulation in order that the unusual needs of particular localities may be provided for. In either case the regulations must be reasonable or they will not be upheld by the courts.

Drivers' Licenses

May cities, towns and counties require drivers' licenses of their residents and of those using their streets or require them to undergo local drivers' license examinations? The answer is that they may not, with two exceptions. Cities and towns may require a license and hence, presumably, an examination also, of the drivers and operators of taxicabs within their limits and may also "regulate and control" those drivers and any others who operate from points within the city or town to other points, not incorporated, which are located within a radius of five miles from the city or town. The statute leaves the nature and intensiveness of the permissible regulation somewhat in doubt. As to its extensiveness, the Attorney General has ruled that if the taxicabs do not come within the corporate limits the city or town may not regulate them even though they operate within five miles of it. Counties may not license, regulate or control taxi drivers but must, on the other hand, through the chief mechanic in charge of school busses, certify to the superintendent of schools that prospective drivers of school busses are fit and competent persons to drive them. Applicants may not drive school busses until they have been so certified by the chief mechanic and by a member of the State Highway Patrol or some other representative of the Department of Motor Vehicles duly designated by the Commissioner to examine school bus drivers.

Car Licenses

May cities, towns and counties levy a license tax on motor vehicles in addition to that required by the State? The answer is that counties may not do so. Cities and towns, however, may levy an additional license tax, provided the amount of it does not exceed $1.00 per year. Cities and towns may also levy on taxicabs operated within their limits, in addition to the $1.00 tax, a special tax of not more than $15.00 per year. No other taxes may be levied, nor may this prohibition be evaded by calling the additional assessment a franchise tax or a fee.

Public Vehicles

Cities, towns and counties, however, are permitted to save money on the registration of their own vehicles, since no charge is made for the application or issuance of a certificate of title in their names, and the license fee charged them is only $1.00. The same exemptions and reductions apply to vehicles owned by the State and its departments, by townships, by boards of education, by orphanages, and by churches, if the vehicles are used solely to transport children and parents to, and presumably from, Sunday School and church services.

Operating Provisions

The obtaining of a uniform traffic code for the State was a great achievement after centuries of almost no regulation. However, in the beginning cities and towns were left pretty much free to vary those regulations within their own borders as they saw fit. In 1913 they were permitted to lower, but not to increase speeds. In 1917, however, it was provided that "no governing board of any city or town shall pass or have in effect or in force any ordinance contrary to the provisions of that act." Under the present law the general rule is that cities and towns may not pass ordinances which alter the State law or are contrary to it except in certain particulars specifically enumerated in the act, which are now to be considered.

Highways Injured By the Weather

Sometimes a street or highway is injured by the weather or deteriorates in such a way that its continued use by the public for travel would cause permanent damage. Under circumstances of this kind local authorities may, as to any street or highway for the maintenance of which they are responsible, adopt an ordinance prohibiting the use of that street or highway or limiting the weight of vehicles which may proceed upon it. The operation of such an ordinance must be restricted to not more than ninety days in any one calendar year, and the ordinance itself does not become effective until signs are posted at each end of the area affected stating the fact that all travel is prohibited or the conditions upon which vehicles may proceed thereon.

One-way Streets

Local authorities are authorized to establish one-way streets, provided they erect proper signs notifying drivers.

Speed

Local authorities may not alter the basic framework of the law with respect to speed. For instance, they may not authorize a vehicle to travel at a speed greater than is reasonable and prudent under the conditions then existing. They may not require a stop where the State law requires a reduction in speed only. They may not make driving at a particular speed unlawful where the State law makes driving at that speed only "prima facie evidence that the speed is not reasonable or prudent and that it is unlawful."

The prima facie limits of permissible speeds within cities and towns may, however, sometimes be raised. They may be raised only by ordinance and then not to a point in excess of forty-five miles per hour. They may be raised only on through highways, on portions of highways or streets where there are no intersections or between widely-spaced intersections. Signs must be erected giving drivers notice of the authorized speed.

The prima facie limits of permissible speeds may also be lowered, but only at intersections. They may be lowered only after an engineering and traffic investigation and a finding by the municipal authority that the ordinary prima facie speeds are greater than are reasonable or safe under the conditions found to exist at those intersections. In these cases signs indicating the authorized speed must be placed not only at but on the approaches to the intersections involved.

Within municipal parks local authorities are given complete freedom in regulating speed, provided signs are posted indicating the authorized speed.

Under authority granted in 1941, some cities have already installed parking meters to help regulate vehicular parking. Newspaper reports indicate that other towns are following suit.

Stops at Through Streets

Local authorities, as to streets and highways under their jurisdiction, may now designate some of them as through highways by erecting signs at their entrances notifying motorists to come to a complete stop before entering or crossing them. When signs are so erected it is illegal to enter or cross those highways without coming to a complete stop.

The statute says nothing about signs which are painted instead of being erected, and some of the cases seem to assume that this makes no difference, although the point was not directly raised. A number of cities, however, are substituting sign posts for painted signs in order to be in strict conformity with the statute.

Strangely enough, a failure to stop, though illegal, is not negligence nor contributory negligence *per se* in an action at law for injury to person or property, but only a fact to be considered along with other facts in the case on the general issue of negligence or contributory negligence.

Turning at Intersections

The ordinary method of turning at intersections is for the motorist desiring to turn right to approach the intersection in the lane for traffic nearest to the right-hand curb and to make the right turn keeping as near as possible to the curb; for the motorist desiring to turn left to approach the intersection to the right of the center of the highway, but as near to it as possible, and to

make the left turn passing around the center of the intersection but as near to it as possible. Local authorities may, however, modify this method of turning by indicating by buttons, markers or other signs within the intersection the route to be followed by vehicles turning in different directions. When a method of turning other than the usual one has been indicated it is unlawful not to conform to the indicated method.

Semaphores and Other Traffic Control Devices

Whenever traffic is heavy or continuous local authorities may, by ordinance, provide for control of it by semaphores or other traffic control devices. These devices may, of course, require a stop when no stop would ordinarily be required and may alter, for the time being, the ordinary rules as to rights of way.

Presumably, if local authorities may install signals they may also affix meanings to the legends and colors which those signals bear. Nevertheless a number of cities have installed signals without making an explicit statement, at least in their published ordinances, as to what those signals mean. Yet someone must say, and the general law of the State does not specify.

I suppose there can be little difference of opinion as to what a green light means. However, a green light is the only one, apparently, about which there can be no misconception. Certainly the meaning of a yellow or caution light is differently interpreted in the different cities of the state. In some it appears both after the green light and after the red; in some only after the green; in some it is not used at all. In Winston-Salem yellow after green means that vehicles must come to a complete stop and may not start again, nor may pedestrians leave the curb until the green light returns. In Greensboro and Durham, however, vehicles must stop, but only if they can do so with safety, while pedestrians may enter the intersection, but must yield the right of way to all vehicles. A red light means that all vehicles must come to a complete stop. That much is clear. In Winston-Salem pedestrians must stop also. In Greensboro and Durham they may enter the intersection, but only with caution. Greensboro recognizes a red light with a green arrow, whereas a number of cities do not. The meaning of a flashing red or yellow signal is sometimes defined, sometimes not.

Two interests are at stake. One is that of adapting signals and legends to the exact needs of specific locations in particular cities. The other is that of attaining a certain amount of uniformity so that a driver from one city will not be confused by the signals and legends in use in another. Of course the location and timing of signals should be left to the individual municipality. Possibly the meaning of signals, when used, should be defined by the State law.

Processions

Local authorities may make regulations with respect to the use of the highways by processions and assemblages. Sometimes this involves requiring a permit for processions of unusual length. Sometimes it involves the designation of cars in a funeral procession, for instance, by lights or pennants. Often it involves a regulation of where and how such processions may go.

Decrease of No-Parking Zones Around Fire Hydrants

Under the State law no person may park a vehicle or permit it to stand, whether attended or unattended, within fifteen feet in either direction from a fire hydrant. Local authorities may, however, by ordinance, decrease the distance from a hydrant within which vehicles may park. Some cities, by ordinance or custom, permit an attended vehicle to stand in front of a hydrant. Although the validity of an ordinance of this kind is questionable, the practice is not likely to cause adverse comment if approved by the fire authorities.

Parking Generally

The State Motor Vehicle Act makes only fragmentary regulations with respect to parking generally and, strangely enough, contains no specific provision which permits local authorities to supplement its minimal regulations. In view of the general prohibition against local regulations which alter or depart from the State law, a possible interpretation would be that local authorities have no authority to regulate parking. However, the Supreme Court has refused to adopt this interpretation and has held specifically that a municipal corporation may make reasonable regulations with respect to parking. In addition, the Municipal Corporations Act of 1917 was amended in 1941 to authorize cities and towns specifically "to regulate and limit vehicular parking on streets and highways in congested areas." The same amendment authorized them to provide parking lots and, under certain circumstances, to install parking meters.

Other Matters

How much further may municipal corporations go in the regulation of vehicular and pedestrian traffic? On the one hand, they have undoubted competence to legislate in the field unless prohibited by State law. On the other hand, they are forbidden to alter or go contrary to the State law except in the respects already enumerated. What, then, is an alteration of the State law and what is contrary to it? There is no one answer, and the decision, in each case, must rest on the reasonableness of the regulation and the conflicting interests of a uniform code on the one hand and the adaptation of regulations to local situations on the other. The following illustrations are suggestive only of the problems involved. No opinion is expressed on the legality of the ordinance in any case.

The State Motor Vehicle Act defines vehicles but does not define pedestrians. Pushcarts do not come within the definition of vehicles as contained in the State act. May a city regulate pushcarts as vehicles rather than as pedestrians?

The State law says that nothing may protrude beyond the fender line on the left-hand side of a passenger-type vehicle. It does not prohibit riding on the running board. May a city prohibit riding on the running board if the passenger can

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The City Traffic Problem in North Carolina

Careful Planning May Remove Some of Its Basic Causes

JAMES S. BURCH

Engineer of Statistics and Planning, N. C. State Highway and Public Works Commission

Traffic officers and enforcement officials are interested in traffic mainly from the standpoint of traffic control brought about through actions of the driver. They are prone to consider that the driver is the only avenue of approach to the solution of all traffic problems. The public, too, is inclined to this approach.

Our interest is somewhat broader, and more fundamental. Our traffic interest relates to the physical facility, or road and street plant which the driver and his vehicle use. We are concerned, not only with the driver, but with the vehicle, the road or street, the signs, the visibility, the traction, the grade and the routing. Speed, with us, is a virtue if it is accomplished in safety. Best traffic service moves traffic at good speed and in safety.

This article does not purport to instruct in the enforcement of traffic laws and ordinances. Rather it is projected as a discussion of certain known characteristics, habits, customs and relationships of traffic to the streets and highway facility. If we can look at the basic causes of traffic phenomena, rather than at some of the results, we can understand the subject more clearly.

Street Purposes

A street has many incidental purposes, in addition to its service as a traffic artery. It is an orderly areaway for light and air; for pedestrians; for display of merchandise; for ingress and egress to stores, offices and homes; it carries water, sewer, telphone, gas, light and power facilities; *and* the downtown street has become a storage garage for the passenger car, and an unloading dock for the truck and bus.

Its basic function, and its most important service, however, is *to the motor vehicle in motion.* To the extent that it fails in this performance, it fails as a street, no matter what other purpose it may serve. To the extent that the street performance fails, the abutting property suffers. Our major objective, therefore, is *to serve the motor vehicle in motion.*

Traffic in motion can use only the *operating lanes;* that is, those lanes which are dedicated to, and protected for, the use of vehicles in motion. No matter how wide or how beautiful the street, if only sufficient width is available for the operation of two lanes of moving traffic, that is simply a two lane street—though it be 20 feet wide, or 120 feet wide. A lane should be at least 11 feet wide, and no part should ever be used for any other purpose than for traffic in motion. When, for instance, an angle-parked vehicle backs out into this moving lane, the principle is violated. Double parking, improper parking, etc. are other familiar violations of this basic rule.

Capacity

Now, what is the capacity of a pair of traffic lanes? Under certain conditions, it may carry 2,000 to 3,000 vehicles per hour, and in safety. Under other conditions, it may develop serious congestion and deliver very few vehicles per hour. The major condition is the sustained speed of operation. This speed depends on *interference*—actual or potential.

Let's analyze that interference a bit. Put those two lanes out in the country, make them level and straight, shut off all side access, and provide plenty of view distance ahead. Such lanes, under favorable conditions, will be safe for 900 vehicles per hour at average speeds of 55 miles per hour. Now, put in driveways, filling stations, houses, hot dog stands, etc., along those lanes. At once, the prudent speed is cut down to 30 miles per hour. At that lower speed, vehicles can "close up" and move in a fairly closely-spaced train. The volume then may be increased to say 1,600 vehicles per hour. If now, we put in a few cross traffic streets, which require traffic signals, add angle parking on each side—as at a County fair, or on a busy street—we may decrease the average speed down to 10 miles per hour, and the volume may be reduced to 1,500 vehicles per hour.

So, those two lanes—without changing the lanes at all—will operate within very wide limits, depending on the interference, or the potential interference. The question then is — what do we want? Obviously, we want as high a sustained speed as safety will permit.

Here is what we can have:

High traffic volume and interference = Slow speed.

Moderate traffic volume and interference = Moderate speed.

Moderate traffic volume, no interference = High speed.

Low traffic volume, no interference = Very high speed.

High traffic volume, no interference = Moderate speed.

In the downtown business section, we *have* high volume and serious interference. Therefore, to obtain even moderate speeds, we must do one of two things: *either remove the interference*, or *decrease the volume.*

What can be done downtown to eliminate the interference? The major elements of interference are curb parking, cross streets and pedestrians. What can we do about them?

Curb Parking

Can we eliminate curb parking? About the best we can do is to regulate it, keep it out of the operating lanes, and ration it out to more people. All that parking time regulations can do will not create any new parking space, nor facilitate the movement of traffic. In fact, the short time parking *actually delays traffic* movements in the operating lanes more than long time parking. It interferes with moving traffic, *and* adds to traffic volume.

Parking lots and garages serve a fine traffic purpose; but they do not materially aid traffic in motion. When parked vehicles are removed from the curbs, more vehicles take their places. There is normally an unlimited supply of vehicles which park around the downtown area, and which would move into the downtown area if there were anywhere to park. These terminal parking facilities do serve the motor vehicle when idle, and are worthwhile. However, they do *not* serve the vehicle in motion.

If all stores and office buildings had adequate back alleys for delivery of merchandise, the people *might* be willing to authorize "No parking whatever any time" on such streets. That would, of course, create new operating lanes, which would either add more traffic capacity, or traffic speed, to the street. But that is not possible, except in very few isolated cases. Unless a street can be so treated for a long distance, no advantage to moving traffic is gained. If any parking at all is permitted at the curb, that curb lane is cancelled out as an operating lane for vehicles in motion.

Cross Streets

Another serious interference is cross streets. Can we eliminate them? Obviously not; and we cannot run all the traffic east-west on Tuesdays, and north-south on Wednesdays, as Will Rogers once recommended. The intersection of the cross street must be used first by one, and then by the other directions of traffic. We can, and do, employ traffic signals to tell which group should move, and which should wait. That is the purpose of the signal. Such signals, when needed and when properly designed, installed and timed, are much better than no control; but, at best, the intersection can operate at considerably less than 50% of maximum capacity of the operating lanes. The stop and start delays, added to the waits, result in very low sustained operating speeds. "One-way" streets will help to some extent, if they are thoroughly planned and explained, and if the public will tolerate them. Even at best, though, the intersection causes serious delays which simply cannot be avoided.

Pedestrians

In the vicinity of tall buildings, and in busy shopping sections, pedestrians add much to traffic delays, especially where vehicle turns are permitted. That is really the major reason for the "No Turn" and "No Left Turn" regulations which are found at so many corners. It is mainly delay caused by the pedestrian, rather than the cross or turn traffic which usually makes these turning restrictions necessary.

It is obvious that we cannot eliminate the pedestrian. He is not only vital to our economy, but he occupies much less street space than if he were a driver; and space is what we need. Unfortunately, it is very difficult to control him, but the trend is definitely toward pedestrian control by law—not only to protect him, but to facilitate traffic movement.

So there are the major street interferences: parking, cross streets, and pedestrians. Very little can be done about either to facilitate traffic in motion. Assume the driver is willing to put up with it, and lose valuable time and gas. What happens?

Results of Congestion

There are several things that were happening before rationing and that will continue to develop now that transport is returning to normal. In future years the situation will get worse, unless we make it better.

First, the driver covers several blocks looking for a parking space, thereby adding unnecessary traffic-in-motion to the already-crowded operating lanes. Parking garages and lots will aid materially here.

Second, having difficulty in parking, he is discouraged from trading downtown, and stores open up out in the suburbs to serve him. The downtown business section loses his trade, property values decline, empty stores become more numerous, and city-taxed valuations are reduced. The much discussed "blight" takes hold downtown.

Third, being unable to get through the business district without delay, he drives "around it," using residential streets which were once quiet, safe, clean and pleasant. As these residential streets gain more traffic, the owners move out to the suburbs, and the property becomes less valuable. More blight.

Fourth, manufacturing plants find that their employees cannot find parking space, and are delayed by fighting congested traffic. Additions to the plant are not made, and branches are set up elsewhere. More blight.

Fifth, a large percentage of our city and town retail trade comes from rural purchasers. If these people are discouraged by traffic congestion, delays and lack of parking space, they are discouraged from returning to purchase again. They will tend to shop where traffic conditions are more favorable, or use mail order methods. Still more blight.

Sixth, through drivers soon become irritated by serious delays in passing through the town, and "go some other way" to completely avoid the town. While there may be no actual business lost, the town loses the advertising value of its name, if the trip goes nowhere near it.

There are many other aspects of the town traffic problem which might be mentioned, but this outline makes clear the major undesirable features, as well as the impossibility of a complete solution through the use of the techniques which we have been employing. We have found that the major purpose of a street is to provide for traffic-in-motion; that downtown street vehicle speeds are too slow, and that none of the usual treatments will

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• MONTHLY SURVEY •

News of Developments Here and There

Traffic and Safety

North Carolina has experienced no trouble in getting back to normal in the one respect of its prewar traffic problem.

Accidents. The accident rate has grown to alarming proportions. Representing North Carolina were 731 of the nation's 29,000 traffic victims who died in 1945, and 4,382 of the nation's 1,000,000 injured. We had 2,274 other accidents where nobody was killed or injured last year. The number killed in the State in the first month of this year was 73, and in the first half of February, 65, as compared with 55 for December, 1945, indicating that the 1946 total will equal, if not surpass, the 1286 highway deaths of 1941.

State Highway Patrol. Highway traffic is back to normal for the first time since 1941. The State Highway Patrol, however, is not. It is slowly building up to its prewar strength, numbering now 163 members, about 50 less than its normal complement.

Parking. Parking problems of cities and towns have become progressively worse, and a variety of measures have been taken to solve them. The installation of parking meters has been considered by Sanford, Wallace, Durham, Monroe, Dunn, Hendersonville, Asheville and Concord. Traffic surveys have been considered at Fayetteville, where new traffic signals are planned, and at Reidsville a new program was put into effect regulating parking by limiting the parking areas and cracking down on double parking. The method employed to meet the problem in Siler City has been a new ordinance limiting parking to two hours in the business area and forbidding double parking, and Williamston has made similar changes in its system. Greensboro and Durham have likewise made experiments with through traffic signs in-

dicating "no turn" at busy intersections, in an attempt to break up congestion and speed the flow of traffic through their downtown streets.

Zoning

Zoning has been among the postwar plans of many cities and towns, and since the end of the war, many communities have begun to carry out their zoning plans as a means of forcing new building construction to conform to an overall plan of organized development. Some thirty towns in the State already have zoning ordinances.

Citizens' committees in Albemarle and Gastonia have studied their problems in preparation for passing a zoning ordinance which has wide support. At High Point a project has been inaugurated to expand the zoning regulations and to prepare an aerial map. Greensboro and Asheboro have proposed some re-zoning regulations, and Brevard has a newly-appointed zoning commission to study the regulation of its postwar construction. Lexington is investigating plans for a zoning ordinance, principally to enable the city to plan extension of its utility services in an orderly manner. Elkin has expressed its need for a law not only to protect home owners, but to insure the building of better homes. Henderson has adopted a zoning program under which the Council will rule upon all applications for permits to build business property, thereby determining the location of buildings. Clinton, Laurinburg and Hendersonville have voiced their need for a zoning law, and Spindale has appointed its zoning commission. Wilmington is operating under a temporary zoning law, while Elizabethtown has already enacted a permanent ordinance. Hit-or-miss city growth is fast going out of style in North Carolina.

Law Enforcement

Attention of police departments has recently been focused on juvenile delinquency. Increases in many places, such as the 84% rise in Wilmington, are a disturbing fact in spite of the report that the overall delinquency rate in North Carolina has decreased nearly 8% in the last five years. Steps taken to curb the problem include plans like those of Durham for building a juvenile home, of Asheville for an organization to study local conditions and how to improve them, and of Mount Airy for establishing a juvenile court. Forsyth County has taken a different approach to the problem in considering the establishment of a city-county domestic relations court with the idea of having jurisdiction over delinquent parents to supplement the jurisdiction which the juvenile court has over the children.

The general increase in crime is a similar problem, and developments to combat this trend include the police training school being held at Mount Airy; obtaining new equipment, such as the radio outfit installed at Edenton; enlarging police forces, as at Charlotte; and the reorganization of police departments, as at Forest City and Mount Airy.

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The Energies of Peacetime

By R. B. HOUSE

Chancellor of the University of North Carolina at Chapel Hill

Professor Horace Williams, who always thought in threes, loved to say there were three unique things about Chapel Hill: the hills, the University, and Tom Lloyd's cotton mills.

I have long meditated on the beauty of Chapel Hill. The natural beauty of the tree-clad hills is evident but not unique. It is simply a part of the great sweep of the Piedmont, north, south, east, west,—spreading over counties and great sections of adjoining states for many thousands of square miles. A village like Chapel Hill could have been built in any one of many natural settings. The beauty of Chapel Hill is that something with which the human spirit endows a spot by loving care through the generations. Chapel Hill is a jewel of beauty because Hinton James, the first student, longed for it enough to walk here from Wilmington, one hundred and fifty years ago, made trails through the forest, carved his name on the trees, and carried away in his heart the image of a place where he had known great personal insights, great fellowship in mutual striving, great spiritual momentum along the highway of love, thought, and action. Through the years Hinton James has multiplied in the spirits of many thousands, who carried its image in their hearts, even in battle on the far flung fields of this war. Their letters and their visits tell us so.

A university is complex and tremendous in its activities. But it all narrows down in the long run to one simple relation, that of teacher and student. When the vital spark of mutual collaboration in pursuit of a great subject passes between a teacher and a student, then the university really begins for that student. This relation cannot be forced; neither can it be prevented. It happens in its own way, among the possibilities of hundreds of teachers, in associations with thousands of students. After listening to students comment on their experiences for many years, I can report that no teacher is so perfect but that some student reports that he is the villain who "ruined" his college career. No teacher is so imperfect but that some student reports that he is the very man who waked him up.

The great thing is that somewhere in the university the waking-up can occur for each student, and usually does occur. It is this waking-up which gives a back-bone to the body of work and play, a mutual respect to friendships, a spiritual realization to the dreams and ideals of youth on his pilgrimage—that is a name for college.

And Tom Lloyd, who never bothered to learn to read and write, but who succeeded stoutly in his business, is a perpetual reminder of that creative, imaginative genius and common sense, that integrity of brain and character which takes new steps and brings up fresh things in this university community. Tom Lloyd was outside the University but a part of the community. But in the University, there have always been Tom Lloyds too—creative, imaginative, promotional men, hard to regulate, hard to digest and get within the ordered scheme of things. Some of them have been students, some members of the faculty. Insofar as the University has been able to digest them, it has grown greater. There have also been many flashes in the pan; for a genius and an ignoramus look exactly alike for the first ten minutes. It is only in the process of time that the difference becomes evident. The life of an institution lies in its being able quickly enough to discern the difference. Along the lines of patient adjustment between genius and orderliness, on these hills, the University and the students grow together through the years.

The hills get more beautiful because like Wordsworth's hills, in the lake country of England, a spirit haunts about them to cultivate them and to interpret them. The University maintains its values and traditions, but enlarges its frontiers because there is always life here which challenges order to be more than complacency. And in their individual ways, in harmony with hills and University, boys and girls grow the value of truth, goodness, and beauty into their very structure as men and women.

"It takes a lot o' livin' " on a hill to make it a university.

Monthly Survey

(Continued from page 7)

Local Finance

Local elections for bond issues for several purposes have been held in many towns, and most have been approved. Civic organizations in Brevard petitioned the commissioners in Transylvania County to call an election to find out whether the citizens of the county want to issue $500,000 worth of bonds to improve the local school facilities; the electors approved an issue of $80,000

(Continued on page 10)

Recent Supreme Court Decisions

Of Interest to City, County and State Officials

"Ignorance of the law excuses no one."

Many of the questions arising in city halls, county courthouses and state departments go beyond the inferior and Superior Courts and on to the Supreme Court for final adjudication. This Court of last resort may find it unnecessary to pass upon particular questions in the form in which they are presented; it may refuse to consider them as unnecessary to the disposition of the cases at hand; or it may meet them squarely and blaze new trails for the guidance of officials.

The Supreme Court of North Carolina has recently:

Held that the establishment and maintenance of an airport is a public purpose within the objects of municipal expenditures, though not a necessary expense, and that a county and cities located therein may lawfully appropriate funds from sources other than ad valorem taxation for such purpose without a vote of the people. (Greensboro-High Point Airport Authority v. Johnson and others, 226 N. C. 1, filed January 31, 1946.)

The Greensboro-High Point Airport Authority, which was created by Ch. 98, Public-Local Laws of 1941, brought three separate mandamus proceedings against the respective treasurers of Guilford County, the City of Greensboro and the City of High Point, to compel the treasurers to pay over to the Airport Authority funds which had been appropriated to the Authority by the governing boards of the county and cities, stipulated as having been derived from other than ad valorem taxation. The Superior Court granted the writs of mandamus ordering the treasurers to turn over the funds, and judgment was affirmed on appeal to the Supreme Court, the majority finding the requisites of public purpose, non-tax revenue, that the Airport Authority is a municipal corporation which the legislature had the power

By
PEYTON ABBOTT
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to create, and that it is a proper agency of the county and nearby cities which are benefited by its activities. With respect to the character of such an appropriation to an agency of this sort on the ground that it is a public purpose, the Court said that it "is not a loan and is not intended to be a lien on the assets. . . . Disposition of its property upon liquidation, which is not expected to occur, is a legislative care when the necessity arises." On this point the opinion seems slightly at variance with the case of *Brumley v. Baxter*, 225 N. C. 691, filed two weeks earlier, where the transfer of property by the City of Charlotte to the Charlotte Veterans' Recreation Center was spoken of as a "donation," and the Court required the city to provide for the reversion of the property to the city in the event of the liquidation of the Recreation Center. See comment in this column in the February 1946 issue of POPULAR GOVERNMENT.

Justice Barnhill dissented with respect to the power of the two cities to make the appropriations on the ground that the statute makes the Airport Authority the corporate agency or instrumentality of the county, but not of the cities. Justice Seawell, writing for the majority, met this contention by finding the requisite agency in "the actual relation of the Airport Authority to the municipal functions of these two cities," and legislative intent drawn from the entire Act, rather than from the express language of the Act.

Decided that a former tax collector who had been compelled to make settlement for taxes for which he had accepted worthless checks could maintain an action to foreclose the property against which the tax was levied, under provisions of G. S. 105-414 (C. S. 7990), and that no statute of limitations was applicable. (Miller v. McConnell et al., 226 N. C. 28, filed January 31, 1946.)

The two actions, which were consolidated for purposes of trial, were brought by Miller individually and as tax collector of Ashe County, although the record recites that Miller was sheriff and tax collector from December 1, 1930 to December 1, 1936 and the actions were not instituted until February 5, 1942. The taxes involved were for the years 1931 to 1933. Checks were tendered in payment of the taxes in 1932 and 1933. The plaintiff alleged and the jury found that immediately after the return of the checks by the bank as worthless, plaintiff had noted "not paid" on the duplicate receipts in the original tax books, in accordance with G. S. 105-382. The Court held that as the collector had met the requirements of the section referred to, it gave him the right to proceed to collect the taxes either by civil action on the check, or "by the use of any remedy allowed for the collection of taxes," including foreclosures under G. S. 105-414 to which no statute of limitation applies.

Decided that a statute which lengthened a statute of limitations for making application to the Unemployment Compensation Commission for a refund of contributions erroneously paid had retroactive effect, so that a claim for refund which had previously been rejected because not made within one year could be again presented when a subsequent Act extended the period to three years. (B. C. Remedy Co. v.

Unemployment Compensation Commission, 226 N. C. 52, filed January 31, 1946.) The plaintiff had erroneously made certain payments with respect to the year 1940. In 1942 it applied for a refund, which was denied on the ground that application was not made within one year after the date of payment as then required by the law. Thereafter (and after plaintiff's claim had already become dormant or barred by the one year statute) the 1943 legislature amended the statute to permit claims to be made within three years after the date of payment. While the 1943 Act was not in express terms made retroactive, the Court held that the Act was procedural and remedial, and that in the absence of directions to the contrary, had retroactive effect.

The Court considers but apparently finds it unnecessary to pass upon the question as to the power of the General Assembly to remove the bar of a statute which is strictly a statute of limitations so as to revive a cause of action which had already become barred, although it cites with apparent approval *Calder v. Bull*, 3 Dall. 386 and *Hinton v. Hinton*, 61 N. C. 410 (1868) which recognizes such power. For a discussion on the point, see a study issued by the Institute of Government in August, 1944 entitled "The Collectibility of Special Assessments More than Ten Years Delinquent," 22 N. C. Law Review, 123 (February, 1944).

Held that a city is liable to respond in damages for injuries resulting from the failure to maintain public bridges and approaches thereto in a safe condition. (Hunt v. High Point, 226 N. C. 74, filed January 31, 1946.) Plaintiff alleged that his intestate's injury and death was caused by the negligence of the city in failing to provide handrails or guards on a bridge which was a part of the city streets, and in failing to adequately light the bridge. The city demurred to the complaint on the ground that with respect to the negligence complained of, the city was acting in a sovereign or governmental capacity and was immune to suit. The Supreme Court, however, drew a distinction between negligence in the *original construction* of a street or bridge, and in failing to *maintain* it in a reasonably safe condition. As to the latter, the statute (G. S. 160-54) imposes upon the city a positive duty which gives rise to liability for negligent failure to discharge such duty. With respect to the allegation as to inadequate lighting, the Court observed that while a city is not legally bound to provide street lighting, it is bound to employ reasonable devices of warning or protection to those using the streets, and where reasonably adequate lighting is available as such a device, ordinary prudence would suggest its use, and its absence under circumstances suggesting its appropriateness, or the absence of any other appropriate device in common use, is evidence of negligence.

Monthly Survey

(Continued from page 8)

in Franklin for the improvement of streets and water systems; Lexington voters passed on one of $500,000 for the same purpose. Kinston voted $1,700,000 for paving of streets and expansion of water and power facilities; a half-million dollar issue is being talked at Newton for a public works improvement program, and Mecklenburg's $5,972,000 for school improvements and Charlotte's $5,974,354 for a municipal program of public improvement and expansion will be voted on in April. Others, for the improvement of school facilities, are to be held in Caldwell County for $1,200,000 and in Wayne County for $750,000. The hotly contested 20-cent school tax supplement at Whiteville was defeated in a recent election. Some postwar plans are rapidly becoming postwar action.

Health Problems

Several cities and towns have come forward with regulations to remedy their sanitation problem. In Greensboro an ordinance was proposed providing penalties for owners of downtown lots who fail to keep their sidewalks clean. At Mount Airy it was necessary to re-emphasize the ordinance regarding the impounding of animals. Attention at Durham was given by the Council to the problem of smoke abatement, and exhaustive surveys and conferences were planned to precede the drafting of recommendations for the Council's study. North Wilkesboro was faced with the violation of its ordinance prohibiting the throwing of trash and rubbish in the streets, while Roxboro's problem in this connection was confined to its back alleys.

Among the towns participating in the spreading war on rats are Dunn, Greensboro, Winston-Salem, Elkin, Smithfield and Monroe, which have declared war on the pests and are mapping out campaigns for their elimination.

Cultural Interests

Perhaps following the drudgery and sacrifice of war public interest turns toward the more aesthetic things in life. At least there have been evidences of a swing in that direction since the war ended. The North Carolina Symphony has its statewide drive for funds successfully launched, and local committees, newspapers and civic clubs, in campaigning for $100,000, are meeting with the cooperation of the people of the State.

Well received was the news that Paul Green's symphonic drama, "The Lost Colony," will re-open next July after a suspension due to the war. The 1945 General Assembly placed the Roanoke Island Historical Association, Inc., under the patronage and partial control of the State, with a board of directors, and with authorization to the Governor and the Council of State to allot not exceeding $10,000 a year to aid in the restoration and production of the pageant, should it operate at a loss.

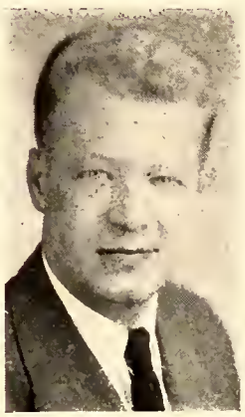
Considerable interest was shown concerning the John Motley Morehead gift of a million and a quarter dollars to the University of North Carolina for building an art gallery and planetarium at Chapel Hill. A drive for $450,000 for building the Koch memorial theater at Chapel Hill is planned, and the initial accomplishments in raising funds in Chapel Hill point to its eventual success.

The North Carolina Art Society is planning to erect a State art museum, which might house the State museum and historical commission as well.

Institute Answers to Official Inquiries

Opinions to County, City and Town Authorities

By
CLIFFORD PACE
Assistant Director Institute of Government



CRIMINAL LAW AND PROCEDURE

Alcoholic Beverages

Inquiry: My county is one of those which joins South Carolina and is a dry county. Petty bootleggers, of which we have a considerable number, make a practice of driving into South Carolina accompanied by two or three friends. There the bootlegger and each of his accomplices purchases legally a gallon of tax-paid whiskey and returns to the county. I am wondering whether or not this activity constitutes a violation of the "one-gallon law."

Opinion: So far as we can ascertain, the Court has not passed on this exact question. Rulings appearing in recent issues of POPULAR GOVERNMENT indicate that the Attorney .General is of the opinion that the driver or owner of an automobile carrying more than one gallon of whiskey under the circumstances described is guilty of a violation of the "one-gallon law." When you consider that the law permits a person to bring into the State "*for his own personal use* not more than one gallon," you can see that the question is a very close one; for if each person were the *bona fide* owner of a gallon of the whiskey and had possession and absolute control over it, the Court might say that the language of the law had been satisfied. But, assuming that the driver is indicted and his reputation for bootlegging is shown, the Court might very well seize upon the fact that the driver has a reputation for bootlegging to reach the conclusion that he is guilty of transporting in violation of the law.

Bail

Inquiry: When a justice of the peace has, in good faith and in compliance with the law, fixed bail for a person arrested and brought before him and has accepted the surety on the bail, does the clerk of the Superior Court have authority to refuse to file the bail on the grounds that the surety is not worth the amount of the bail and is not responsible?

Opinion: Sections 15-102 through 15-109 govern the taking of bail in this State. It is there provided that, after bail is fixed, the magistrate is to take, or cause to be taken, the papers and the recognizance to the clerk of the Superior Court to be filed. And there seems to be no provision in the statutes authorizing or requiring the clerk to approve or disapprove the surety on the bond allowed by the magistrate.

MUNICIPAL CORPORATIONS

Advertising Requirements

Inquiry: Our town relies on artesian wells for its water supply. We propose to have a new well drilled to take care of our increased population. It is estimated that the well will cost approximately $3,000. Is it necessary that we advertise for bids for this work, or can we contract with a well-known outfit without advertisement?

Opinion: The contract for such a job falls within the provisions of G. S. 143-129, which require advertisement and bids for all contracts for repairs, construction and purchase of materials and equipment, where the expenditures are in excess of $1,000. The only exception allowed by this section is where expenditures are of an emergency nature and are necessary for the health and welfare of the town's citizens. We do not believe that a permanent improvement such as contemplated would fall within the category of an emergency expenditure.

Cemeteries

Inquiry: Our town has never made any attempt to restrict or regulate the types of plantings and other beautifications that lot-owners may make on their lots in the town's cemetery. The unrestricted planting of low, spreading shrubbery, which is too often allowed to go untended by the owners, now makes it almost impossible to keep the grass mowed during the growing season. Does the town have authority to regulate the kind of beautifications a lot-owner in the cemetery may make?

Opinion: Cities and towns derive their general power to own and regulate cemeteries from paragraph 3 of G. S. 160-2. It is there provided that a town has authority to "purchase and hold land, within or without its limits, not exceeding fifty acres (in cities or towns having a population of more than twenty thousand the number of acres shall be in the discretion of the governing body of said city), for the purpose of a cemetery, and to prohibit burial of persons at any other place in town, and to regulate the manner of burial in such cemetery." To our mind, the last clause in this provision authorizes a town to specify, within reason, how the lots which it sells to citizens are to be maintained, carrying the regulation to the point of specifying the type and amount of shrubbery, plants or other vegetation which may be planted by the owner of a lot for purposes of beautification. We are unable to find any statute or decision specifically supporting such a regulation. In *Humphrey v. Church*, 109 N. C. 132, our Court held that the ownership of a lot in a cemetery, or license to bury therein, is subject to the police power of the State and that this power may be delegated by the Legislature to municipal corporations and enforced by appro-

priate ordinances. This indicates a very broad authority in cities and towns to regulate burials and the operation of cemeteries. And we think an ordinance reciting that the uncontrolled planting and growth of shrubbery is interfering with the proper maintenance, the cleanliness and the general appearance of the cemetery, and then setting out the exact activities which are prohibited and those which are permitted, would be perfectly valid.

REGISTRATION

Military Discharges

Inquiry: Is it necessary for a register of deeds to inquire in every case into the validity of a military discharge presented to him for registration?

Opinion: G. S. 47-111 provides that if any register of deeds shall be in doubt as to whether or not a military discharge presented for registration is an official discharge from the Army, Navy or Marine Corps of the United States, he shall have the power to examine under oath the person presenting the discharge, or otherwise inquire into its validity. This section then provides the oath that the register of deeds administers to the person offering the discharge. It is my opinion that this statute places the matter of inquiring into the validity of the discharge completely in the discretion of the register of deeds. He should inquire into the validity of the discharge only when he is in doubt as to whether the discharge is official and is in proper order.

TAXATION

Notice of Levy—Auto Sticker

Inquiry: Will you please prepare for me a form for a windshield sticker to be used in levying upon motor vehicles for non-payment of taxes?

Opinion: A suggested form is presented below. Attention is called to the fact that the law of attachment contemplates that the property be actually reduced to the possession or control of the officer. We are aware, however, that the chief object in using such stickers is to collect the taxes, and we doubt if any serious questions will arise (unless you actually attempt a sale pursuant to such a levy), although some taxpayers might question their liability for any attachment fee.

NOTICE OF LEVY

By County Tax Collector

NORTH CAROLINA

COUNTY

NOTICE IS HEREBY GIVEN that under and by virtue of authority contained in Section 1713, Chapter 310, Public Laws of 1939, as amended, I have this day levied upon this automobile, to wit,

one (year of manufacture)

(make) (body style)

, for the non-payment of taxes owing to County by (taxpayer's name)

Taxes for year(s)

Amount $. Penalty $.

Cost $. Total $.

NOTICE IS FURTHER GIVEN that unless said taxes, penalties and costs are paid within days from this date I will proceed to sell said automobile in satisfaction thereof as provided by law.

This day of , 19 .

Tax Collector

By: Deputy Tax Collector

Automobile Laws

(Continued from page 4)

show that his body did not extend beyond the fender-line?

The State law, under certain circumstances, exempts police and fire department vehicles and ambulances from the usual restrictions with respect to speed. May doctors on emergency calls be added to the exemption?

The State law makes the sounding of a horn under certain circumstances mandatory on the part of the driver of an automobile. May a city create "zones of quiet"?

The State law says that cities may adopt certain regulations provided drivers are, by signs, given notice of the regulations. May a city make the regulations effective irrespective of the existence of signs? Are the regulations in effect when the signs are covered with snow?

The State law does not prohibit backing. May a city place limitations upon the privilege?

The State law does not make specific mention of coasters, roller skates, pogo sticks, stilts and other similar devices. How far may a city go in making regulations with respect to them?

These are just a few of the simpler questions that may be raised without going into the more intricate ones of bus stops, taxi-stands, loading zones and the obstruction of streets by railroad trains. Assuredly, not all the law with respect to municipal regulation of traffic has as yet been written nor found its resting place in the books.

City's Vehicles Not Exempt

Vehicles owned by municipalities are subject to whatever regulations the State may make with respect to motor vehicles, unless they are expressly excepted in those regulations. The same is true of vehicles owned by the State, by any of its subdivisions, or by any district. The only vehicles which are exempt, and which perhaps thereby provide a haven of refuge for those who like habitually to violate the traffic laws, are road machines while they are actually engaged in work on the surface of the roads.

The question of the extent to which a city may exempt its own vehicles from the operation of its own ordinances is beyond the scope of this article.

Other Matters Affecting Cities

Three other sections of the State law affect the rights, duties and privileges of municipal corporations with respect to automobile matters. Under the first, boards of county commissioners and the governing boards of cities and towns are authorized to expend public funds in order to install radio receiving sets in the offices and vehicles of their various officers. This they may do in order that the services of the state-wide radio system may be more readily available. Under the second, counties may get back the costs they have incurred in automobile theft cases in certain instances. The costs must have been incurred in the superior court of those counties in prosecutions which the Department of Motor Vehicles has caused to be instituted; the Clerk of the Superior Court must

(Continued on page 17)

The Attorney General Rules

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

HARRY McMULLAN

Attorney General of North Carolina

I. AD VALOREM TAXES

A. Matters Relating to Tax Listing and Assessing

5. Exemptions—city and county property

To Leon S. Brassfield.

Inquiry: Is the owner of property leased to a municipality and used by it for a public purpose exempt from ad valorem taxes?

(A.G.) I am of the opinion that a mere leasehold does not bring property within the definition of **belonging to the city or being owned by the city** for the purposes of tax exemption, as defined in the statutes and Constitution.

B. Matters Affecting Tax Collection

58. Tax collection—jurors' fees for taxes

To G. S. Smitherman.

Inquiry: Is there any statutory authority to permit a county to withhold fees of a juror or grand juror and apply them on the juror's taxes?

(A.G.) G.S. 6-44 makes it unlawful for any board of county commissioners to pay to any person who is indebted to the county for taxes any money payment out of the revenues of the county on account of costs in a criminal case when the person to whom such cost is due owes the county taxes. The order for payment in such cases is required to state on its face, "payment only on taxes due _____ County." However, this action is applicable only when payment is made out of county revenues.

IV. PUBLIC SCHOOLS

C. Powers and Duties of City Administrative Units

2. Creation

To N. H. Carpenter.

(A.G.) I know of no way in which a new city administrative unit could be created except by a legislative act. G.S. 115-352 authorizes the State Board of Education to alter the boundaries of any city administrative unit when, in the opinion of the Board, such change is desirable for better school administration (Chapter 970, Session Laws of 1945), added this amendment to the section. But no provision is made authorizing the Board or any other authority to create city administrative units other than those which were in existence in 1933 (i.e., special charter districts then in existence which became, under the proper circumstances, city administrative units under the new law).

D. Powers and Duties of Present School Districts and Agencies

10. Transportation of pupils

To J. R. Brown.

(A.G.) It is my opinion that the State Board of Education would be entitled to any moneys derived from the sale of junked school busses and related equipment, so long as the State furnished the county at least as many busses as were originally operated by the county. I think it was the intent of G.S. 115-374, which transferred the obligation of transporting public school children to the State Board of Education, to provide that, in consideration of the State Board's assuming the expense incident to the transportation of the children, the counties should turn over to the State Board such busses as they had on hand and that the State Board would operate the same and pay for replacements.

F. School Officials

6. Liability for tort

To Dr. Clyde A. Erwin.

(A.G.) There is no statute which authorizes county boards of education to assume liability and pay for injuries sustained in the operation of school busses of the State, and the county is not liable for any damages growing out of tort, since it is a political subdivision of the State. Under the school bus law, the control and management of all facilities for the transportation of public school children is vested in the State Board of Education, so that there could be no liability on the counties because they have no legal responsibility in the operation of school busses.

7. County and city boards—contracting with members

To Dr. Clyde A. Erwin.

Inquiry: May a high school athletic association purchase athletic equipment from a concern partially owned and operated by a member of the school's board of trustees and pay for the equipment out of athletic association fund?

(A.G.) If the member of the board is an officer or manager of the business and if the high school athletic association is subject to the control of the board and purchases made by it are approved by the board, I think it would be a violation of G.S. 14-234, which regulates commissioners of public trusts trading with themselves. On the other hand, if the athletic association is an independent organization and not subject to the jurisdiction of the school board, I am of the opinion that the provisions of this section would not be violated even though the board member were an officer, owner or operator of the business. Because of the rather severe penalty which this section carries for a violation, this office has followed the policy of advising members of governing boards to refrain from what might be considered as even the "appearance of evil" and either refrain from serving on a board or refrain from selling to the board if they serve.

TEACHERS RETURNING FROM SERVICE

To Theodore F. Cummings.

Inquiry: Several questions have been created by the return from the armed forces of teachers who were employed in the schools when they went into service and who now request their former jobs. Where a teacher has, as the school law provides, a contract for the year, is a board of trustees required to replace him with a former teacher who is back from the service? Would the trustees be liable for the pay of such dismissed teacher for the unexpired term of his contract? Would there be any distinction between the salary paid from a local supplement and the State pay?

(A.G.) Under the GI Bill of Rights, the State and its subdivisions are not compelled to restore to their employment persons who have been in military service upon their discharge from the service, but the Bill recommends to the State and its agencies that this should be done. This is commonly regarded as a sound principle and one which should be followed whenever it is practical to do so without injury to the public service and without violation of any contractual obligations to others. But if the trustees of a school terminated a contract with a teacher in order to make a place for a returned veteran, the teacher who was displaced would have a legal claim for the remaining unpaid salary, less such amounts as the teacher could reasonably earn in some other suitable employment, unless the contract provided, at the time it was made, that it would be terminated upon the return of the veteran from the service. I do not think there would be any distinction between salary paid from local supplement and salary paid from State funds.

VI. MISCELLANEOUS MATTERS AFFECTING COUNTIES

T. Drainage Districts

1. Delinquent assessments

To John A. Oates.

Inquiry: Under a special act of the General Assembly, the commissioners of a county drainage district are authorized to follow the general law in foreclosures (for failure to pay drainage assessments). Would they be justified in combining a number of delinquents in one advertisement and setting up for each delinquent the specific lands to be foreclosed, since a considerable saving could be effected?

(A.G.) I assume that this means a sale under a judgment rendered in a tax foreclosure action instituted to collect the drainage assessments under authority of the special act. I believe it would be legal to combine the advertisements of several tax foreclosure judgments without violating the provisions of G.S. 1-327 and 1-328, if the advertisement as to each foreclosure gave all of the requisite information as to the names of parties, the purposes of the sale, description of the property, etc. Care should be used to see, as to every case included within the notice, that the requirements of the statute were fully complied with.

VII. MISCELLANEOUS MATTERS AFFECTING CITIES

N. Police Powers

15. Regulation of taxicabs

To G. E. Canady.

(A.G.) Assuming that a vehicle is what is known as an ordinary taxicab (not a carrier subject to regulation by the Utilities Commission, but a vehicle on call or demand for casual trips to various points and places), I am of the opinion that the cab would have a right to pick up or take on passengers in an intermediate town or towns provided that the original trip or the reason for the trip was the conveyance of a passenger who, in good faith, secured the services of the cab to take him from one town to another. I do not think that, under the present law, a taxicab driver has a right to leave his regular town, where he has his base or main office, and cruise up and down the highways for the purpose of seeing if he can pick up some passengers, where the highways are in or a part of the route of a common carrier as defined in G.S. 62-103 and 104.

Q. Town Property

10. Sale

To John Sawyer.

(A.G.) If a building which a town proposes to sell is the town hall or some other building which has been dedicated and used for public purposes in the transaction of the business of the municipality and which has been held in trust for the use of the people of the city, our Court held that G.S. 160-59, authorizing the mayor and commissioners to sell town property at public outcry to the highest bidder after due notice, is not applicable and that such sale should be authorized by a special act of the General Assembly. CHURCH v. DULA, 148 N.C. 262. In the event the sale is so authorized, it could be made at public or private sale, as the act may direct.

V. Miscellaneous Powers

6. Power to acquire housing facilities

To Miss Susie Sharp.

Inquiry: Since a city has no authority to spend tax money to secure surplus housing facilities, does a city have authority to pay the Federal government for a number of such houses and re-sell them to veterans at cost?

(A.G.) I am unable to find any authority for a city to invest the funds of the municipality for this purpose, but, as pointed out in the release from this office to which you refer, the acquisition of the houses might be made through a housing authority created under authority of Chapter 157 of the General Statutes.

Inquiry: Is there any way the houses can be secured other than through a housing authority?

(A.G.) I do not know of any way in which the houses could be secured other than through a housing authority, as the law stands now. Two suggestions have been made. One is that, where from some private source funds were advanced to a town for the purpose of making the acquisition of homes of this character for veterans, a city could contract with the party advancing the funds to use the funds for this purpose, with the agreement that, to the extent that the proceeds may be sufficient therefor from the sale or the rental of the homes, to reimburse those who have advanced the money for this purpose. This transaction would not involve the levy of any taxes or the contracting of any obligation on the part of the city except to commit the revenues from such properties to the return of the money advanced by the interested parties. I find no statutory authority for this procedure, but it would seem to me to be free from criticism. The other suggestion is that a non-stock, non-profit corporation be organized under the general corporation law of the State. The public character of the corporation would be retained by having all of the board of directors and officers named by the board of commissioners of the town, and it would be at all times subject to the orders and directions of the municipal authorities. I am not able to tell whether or not such an arrangement would be acceptable to the Federal authorities.

VIII. MATTERS AFFECTING CHIEFLY PARTICULAR LOCAL OFFICIALS

A. County Commissioners

34. Jury list

To E. R. Keeter.

(A.G.) G.S. 9-19 exempts from jury duty "active members of a fire company." I am therefore of the opinion that any active member of a fire department, whether or not it is a voluntary department, is exempt from jury duty.

DOG TAXES

To Mr. J. G. Grayson.

(A.G.) I think the entire rule as to the listing of dogs for taxation can be stated as follows: all dogs, both male and female, regardless of age, should be listed for taxes at an annual rate of $1.00 each except the open female dog six months of age or older, which must be listed at the rate of $2.00 annually.

B. Clerks of the Superior Court

1. Salary and fees

To D. L. Gore.

Inquiry: Is a clerk of the Superior Court allowed a fee for forwarding to the Department of Motor Vehicles a record of a conviction of an individual for the violation of the motor vehicle laws?

(A.G.) I find no provision in the motor vehicle laws giving a fee to the clerk for forwarding the records required by subsections (a) and (b) of G.S. 20-24 nor in the general law regulating clerks' fees, G.S. 2-26. In the absence of a public-local act to the contrary, I do not think the clerk is entitled to a fee in such cases.

To Paul A. Swicegood.

Inquiry: Is a clerk of the Superior Court entitled to the same commission on any surplus arising out of tax foreclosure suits as he is on surplus funds paid into his hands from sales under mortgages and deeds of trust?

(A.G.) Any funds paid into the clerk's office by virtue of a tax foreclosure suit would be paid on a judgment, decree or execution. Since G.S. 2-26, which is the only statute I am able to find which would allow a commission in such cases, specifically provides that no commission shall be paid on sums placed in the clerk's hands on judgments, decrees, and executions, I am of the opinion that clerks are not entitled to commissions in such cases.

D. Registers of Deeds

To Theodore C. Bethea.

Inquiry: Under Chapter 39 of the 1945 Session Laws, is the State Registrar of Vital Statistics required to send a certified copy of the birth certificate to the mother of each child born in this State, without cost?

(A.G.) Under the proviso which this chapter added to G.S. 130-102, it is the duty of the State Registrar, upon receipt of certificate of birth as provided in G.S. 130-99, to forward a certified copy thereof for the child to the address of the mother, if she is living, or to the father or person standing in loco parentis if she is not living; and this must be done free of charge. I understand that a photostat machine is being installed by the department to take care of the hundreds of requests for these certificates and that it will soon be in operation.

K. Coroners

15. Removal of dead bodies

To Jesse G. Lumsden.

Inquiry: Does anyone have a right to remove a dead body until the coroner is notified?

(A.G.) I cannot find any specific statute to the effect that the coroner must be notified before a dead body can be removed. I think the bodies of persons killed in accidents or who have come to their death by gun-shot wounds can be moved to undertaking parlors or other places to prepare them for burial.

L. Local Law Enforcement Officers

To R. P. Smith.

(A.G.) I think taxi drivers have a right to bring in from out of the State or from a wet county into a dry county not more than one gallon of tax-paid whiskey upon which the seals have not been broken, provided this whiskey is transported directly to the home of the taxicab driver. State v. Suddreth, 223 N.C. 610, means, in my opinion, that there can be legal possession

SUSPENSION FROM SCHOOLS

To J. M. Holbrook.

Inquiry: What are the duties of a principal where a boy of school age has been expelled from school as an undesirable?

(A.G.) The rules and regulations of the State Board of Education provide that whenever the conduct of any pupil is such that he should merit suspension, the principal, if he deems suspension advisable, shall make the order of suspension and report the child and the cause to the attendance officer, who may carry the child before the judge of the juvenile court. Suspension should always be the last resort, and no child should be suspended unless it is evident that the welfare of the school is endangered. Moreover, the pupil should be reinstated if it is at all evident that the child may be reclaimed, and a reinstatement should be allowed by the juvenile court as a part of the conditions of probation for the child.

of tax-paid whiskey in the home, even in a dry county, if transported there under the circumstances above. If the cab driver is hauling a passenger and the passenger has one gallon of whiskey, tax-paid and seal unbroken, I think he can, under the same circumstances, haul the passenger and whiskey directly to the home of the passenger after coming into the dry county. If he hauled two passengers with one gallon of whiskey each and knew that they had the whiskey, I think he would be transporting more than one gallon of whiskey, and this would be true irrespective of the fact that each passenger is entitled to the one gallon and he is transporting it to the home of each.

It is our opinion that the only way that a person can bring tax-paid whiskey from out of the State into the State or from a wet county into a dry county is for the purpose of taking it directly home and in quantity of not more than one gallon. Any possession or transportation other than that is a violation of the Turlington Act, the particular section being G.S. 18-2.

26. Prohibition law—beer

To Clayton Ross.

Inquiry: Assuming that a town or county has, pursuant to G.S. 18-107, adopted an ordinance or resolution prohibiting the Sunday sale of beer, is there a violation of the ordinance or resolution when it is shown that the beer was bought on Saturday and that the purchasers called for it and picked it up on Sunday, there being no actual sale on Sunday and no consumption of the beer on the premises?

(A.G.) In my opinion, the parties have not violated the provisions of the ordinance or resolution. To constitute a violation, it is necessary that the evidence disclose a sale of beer by a licensee on Sunday. There was no sale here.

To Alex H. Koonce.

Inquiry: When the license of a person to sell beer is revoked by the governing body of a municipality, does the town have authority to prohibit the sale of beer in the building in which the licensee was operating at the time of cancellation of the license?

(A.G.) G.S. 18-78 provides that when a license has been revoked it shall be unlawful to re-issue the license for those premises to any person for a term of six months after revocation of the license.

39. Motor Vehicle Laws

To T. Boddie Ward.

Inquiry: When may an operator's license, which has been suspended under G.S. 20-198 for failure to satisfy a judgment or to post liability insurance, be restored to the operator?

(A.G.) If the person whose license was so suspended has both failed to satisfy the judgment and to give proof of ability to respond in damages, I am of the opinion that the license cannot be renewed or restored so long as the failure continues.

80. Duty to refer liquor cases to State courts

To T. Boddie Ward.

Inquiry: Are "earth-movers" (machines designed primarily to move very heavy loads of earth, etc., over short distances, used customarily in the construction of roads) subject to the requirement of registration and certificates of title under G.S. 20-38 et seq. of the Motor Vehicle Act?

(A.G.) The Motor Vehicle Act has the general purpose of regulating by registration only those vehicles which are designed for use or are used on the public highways. There seems to be no intent to require registration of any vehicle which is neither designed for use nor actually used on the highways. In my opinion, such vehicles are neither designed for nor principally used for the "transportation of persons or property" over the highways, as required by the statute. This opinion is influenced by the fact that they are of a size or weight, or both, which prohibits their operation on our highways and requires a special permit under the statutes.

To Frank W. Pons.

Inquiry: If a State or local officer apprehends a person violating the liquor law as to non-taxpaid liquor and refers the case to the Federal court rather than the State court having jurisdiction, is the officer subject to a fine for causing the Federal authorities to take jurisdiction of the case?

(A.G.) It seems to me that Chapter 779, Session Laws of 1945, requires a State or local law enforcement officer to refer the case to the State court where the case arises because of unlawful transportation of intoxicating liquors, and this statute provides that failure to do so is misfeasance in office and carries a fine of $100 upon conviction.

COUNTY AUCTIONEER

To Paul A. Swicegood.

(A.G.) Insofar as I have been able to determine, there is no law creating the public office of county auctioneer; nor do I know of any law which provides for the appointment of a county auctioneer by a board of county commissioners. Therefore in my opinion the question of double office holding would not arise if a county official were licensed to act as an auctioneer therein. There are certain license requirements for auctioneers, and, in some cases, bond requirements. See G.S. 85- through 85-26 and Section 111 of the Revenue Act.

M. Health and Welfare Officers

2. County welfare superintendent

To F. J. McDuffie.

(A.G.) It is my opinion that the attendance of the county welfare officer at the Welfare Institutes held under the direction of the State Board of Charities and Public Welfare by direction of the State Board is in the performance of his official duties, for which necessary and reasonable expenses and mileage should be paid from county funds. It is my opinion that these payments should be made from the appropriations made to the County welfare department and ,if the appropriation already made is insufficient for the purpose, the same could be increased by an amended appropriation sufficient to take care of such payments.

31. Health laws and regulations

To Dr. R. E. Fox.

(A.G.) It is necessary for a district board of health to re-enact the rules and regulations formerly in force by virtue of enactment by county boards of health where the latter are supplanted by the district board; the rules of the county boards disappear when the county boards disappear. It is the intent of Chapter 1030, Session Laws of 1945, that the rules and regulations of the district board of health shall be in force and uniform in all portions of the district which it represents, irrespective of county lines.

To Dr. Carl V. Reynolds.

(A.G.) I am of the opinion that subsection (2), Section 2, Chapter 1030, Session Laws of 1945, clearly states that the ordinances of a county board of health shall apply to municipalities when in the county; and it is clear that where a county board of health passes an ordinance which is uniform and county-wide in nature, this ordinance is effective inside the corporate limits of a municipality in the county as well as outside the corporate limits (i.e., the remainder of the county). This act gives to district and county boards of health the right to pass health ordinances which would be effective and superior to the ordinances of municipalities on such matters, provided the ordinances are uniform and applicable to all sections of the county.

X. A. B. C. Boards and Employees

6. Liability and insurance

To F. C. Harding.

(A.G.) Assuming that fire insurance was carried on the stock of an A. B. C. store, the insurance carrier would pay the full loss resulting from fire and would be entitled to any salvage. The disposition of stock partially damaged (labels and stamps obliterated) would be a matter for the consideration of the insurance company, as the county would have no further interest in the stock after having been paid by the insurance company for its loss.

BB. Local Governmental Employees Retirement System

1. Eligibility

To Nathan H. Yelton.

(A.G.) It seems to me that if a person has been a member of the Law Enforce-

DISCIPLINE ON SCHOOL BUSSES

To Dr. Clyde A. Erwin.

Inquiry: What is the right of a school-bus driver, whether teacher or non-teacher, to discipline children on the bus?

(A.G.) Our courts enforce the general rule that the law confides to school masters and teachers a discretionary power in the infliction of punishment upon their pupils and will not held them liable criminally unless the punishment be such as to occasion permanent injury to the child or be inflicted only to gratify their own evil passions. This discretionary authority extends to enforcement of the rules of the school on the school grounds, and, in my opinion, would likewise extend to pupils on a school bus on which a teacher was riding, either as a passenger or as a driver of the bus. But, in my opinion, a non-teaching bus driver has no authority to inflict corporal punishment on school children while riding on the bus. In such cases, the driver should report the conduct of pupils to the principal of the school when such action is justified. However, I think a non-teaching driver would have authority to require a student to leave the bus if his conduct were such as to endanger the safety of other passengers or was intolerable.

ment Officers Benefit and Retirement Fund and has legally and properly ceased to be a member as provided by the rules and regulations of that retirement system, then and in that event I see no reason why such person would not be eligible to become a member of the local Governmental Employees Retirement System, assuming, of course, that he is employed by an employer covered under the provisions of the statutes setting up this system and that he is an employee as defined in such law.

XII STATE TAXES

C. Income Taxes

5. Exemption

To R. H. Morrison.

(A.G.) Commuting expenses are not deductible for State income tax purposes.

S. Sales Tax

7. Collecting on carrying charges

To H. B. Speight.

(A.G.) Under the statutes and the regulations of the Commissioner of Revenue, I am of the opinion that a retail furniture dealer is required to collect and remit to the Revenue Department 3% of the total gross sales price for which an article is sold. If a carrying charge is listed as a separate item of the total cost to the vendee, the 3% tax would not be collected on the amount of such carrying charge. But if the sales price quoted to the customer includes a carrying charge and there is no breakdown or separate itemization, then the merchant is required to collect from the vendee and remit the 3% tax computed on the total gross sales price, which then includes the carrying charge.

City Traffic Problem

(Continued from page 6)

increase to any important extent the speed of traffic in motion. Unless we are to be satisfied with slow speeds—10 or 15 miles per hour downtown—from now on, with congestion and attendant accidents, we must look toward treatments which are more basic, even if they represent new departures.

I would like to stress that I am not trying to depreciate the importance of the work of traffic engineers in their efforts to improve conditions. This is important, and should be continued and intensified. Also we need all the enforcement we can get. The point is that mere traffic control, regulations and other such treatments are mere palliatives, and are not solutions. They will not establish free flow for vehicles-in-motion in downtown areas where volumes are high.

Reducing Traffic Volume

The only real approach to a solution is to decrease the moving traffic volume in the downtown area. How can this be done without adversely affecting the driver or the downtown business?

Fortunately, the volume can be materially reduced. There are a number of trips which pass through the downtown area because there is no other way, or no better way, to get from their origin to their destination. If some faster route could be developed, a large number of these trips would be diverted to that route and away from the downtown business streets, thus providing traffic relief for them, permitting more desirable speeds and better conditions generally. Traffic moves downtown with relative ease in off-peak, as compared to peak hours. The only major difference, of course, and the only reason, is that the traffic volume is reduced during off-peak hours. And, therefore, the speed of movement is increased.

How can such relief routes be developed? There, a special study is necessary in each city; and we cannot generalize further, except in broad principles. This study should first find out where the trips start, where they want to go, and how many there are of each such trip. This means an Origin-Destination Survey of traffic. We have made such surveys at four North Carolina cities, with very illuminating results.

When we know how many there are of each class of trip—zone to zone, zone to highway, highway to highway—we can plot these trips out and actually see where these relief routes should be. We can take into account the major traffic "generators," such as truck terminals and warehouses, tobacco sales warehouses, rail depots, bus stations, hotels, major shippers and the like.

Knowing where the route should be, for greatest service, we face the question of feasibility; and here we run into complications in the form of expensive property, cross streets, railroads and rail yards, cemeteries and many other physical difficulties.

The job then becomes one of location; but we must know something of the design features of this traffic relief route, and we must remember that it will be expected to serve the needs of the city for perhaps 50 years to come, if not forever. So no temporary or makeshift design will do; no compromise should be considered.

It must have the features of high capacity at high speeds; otherwise, it will not attract traffic from downtown. This requires:

1. Adequate number of operating lanes of adequate width.
2. Long sight distance; minimum grades and curvature.
3. No cross streets at grade.
4. No railroad crossings at grade.
5. No pedestrians.
6. No parking.
7. No side access, except at a few well-spaced, fully-controlled points where no interference to traffic in motion will be created.
8. Special interchange features and approach streets.
9. A remodeling of streets which approach the interchanges.

These requirements mean that, from a practical standpoint, we can seldom utilize any existing street. We must either go through undeveloped property, or very cheap property, to avoid more than a

minimum of disruption. In some cases, whole blocks of cheap property must be sacrificed. This is neither an easy nor a cheap treatment. But either we take the treatment, or suffer with the disease. There is no alternative.

The arterial routes or freeways would be protected by law, and by physical barriers, so that they would be insulated for the future against interference of all types. If we do not insulate them, they will soon become merely slow traffic streets and will not be worth the cost and effort. Such a traffic relief route may be called a Freeway or Limited Access Arterial Highway. It carries high volumes at high speeds in safety. It removes unnecessary traffic from downtown streets, and thereby increases the traffic facility of these streets.

Freeways have been built in a number of cities, parks and suburban developments; and hundreds of them are planned for the postwar era. They should be very carefully planned, not only because they are expensive, but because of the effect they may have on the growth of the city. We should use no guess work or offhand opinion about them, and should use all the factual information we can get in their location, design and general planning.

We do not hold these "freeways" out as complete solutions to traffic problems. They are not. They will be greatly beneficial in a few major particulars, as follows:

1. Transferring traffic from downtown streets, thus decreasing the volume on these streets, and increasing the speed of those vehicles which must use those streets, and in safety. Improving property values.
2. Traffic which uses these freeways will operate at higher speeds—in safety—with dollar savings in travel time. This is true for urban and for rural traffic. The built-in safety features will serve to lower the accident rate.

The freeway will not improve parking conditions to any extent. That is a separate problem. The freeway serves vehicles in motion.

Parking Facilities

The other great traffic need is for idle vehicles—that is, more parking space where it is needed. Obviously, there are but two possibilities here. Either provide terminal facilities downtown for the vehicles which want to park downtown, or else force the drivers to use busses or taxis. Either solution is satisfactory; it is up to the drivers and the people to decide which they want. The lack of parking space is already forcing many drivers away from downtown.

If we want more drivers to come downtown, then more terminal parking facilities must be provided. The downtown streets cannot act as storage garage for half the cars in the town. Neither the property owner nor the driver has a vested right to use the city street for car storage. But even if the street is so used, the space is far from adequate.

What is needed is storage space for those cars: parking lots, parking garages and special-built parking structures. The important thing is to put these facilities in the right places, and have enough space available, not only for *now*, but for the future. Careful studies are required on this question of "Where and how much?" Internal Origin-Destination Surveys will indicate the needs.

How can those parking terminal facilities be financed? I would suggest two features. The city buys the land and builds the facility, leasing it out to a private operator. The operator would charge reasonable parking rates, and the city would regulate the rates and the quality of service. The city would also use the returns from parking meters to aid in the financing. Thus, the parking public—and only that part of the public—would be taxed with the costs of the facility created and operated for them. The cost of parking then, would be a toll, and not a general tax. Those who do not park downtown would bear no part of the cost.

Summary

The solution then, points in two directions, assuming we have adequate legal and physical regulations, properly enforced:

1. Freeways for traffic in motion.
2. Parking terminal facilities for idle vehicles.

Both of these are necessary, if we really want to make substantial improvement. Both require space, and are based on the fundamental fact that two bodies cannot occupy the same space at the same time. If we want these improvements, we can have them, and they can be self paying, in the basic economic sense. If we are satisfied to continue as we are, we can do that; but, conditions will get worse, and traffic law enforcement will continue to be more expensive, difficult and distasteful. And, the longer we delay, the more difficult will be the solution. We can make very little more headway through laws, regulations and enforcement, as important as they are. The limit has been reached insofar as the ability of the driver is concerned; that is, even if all drivers were the very best, the downtown traffic problem would remain.

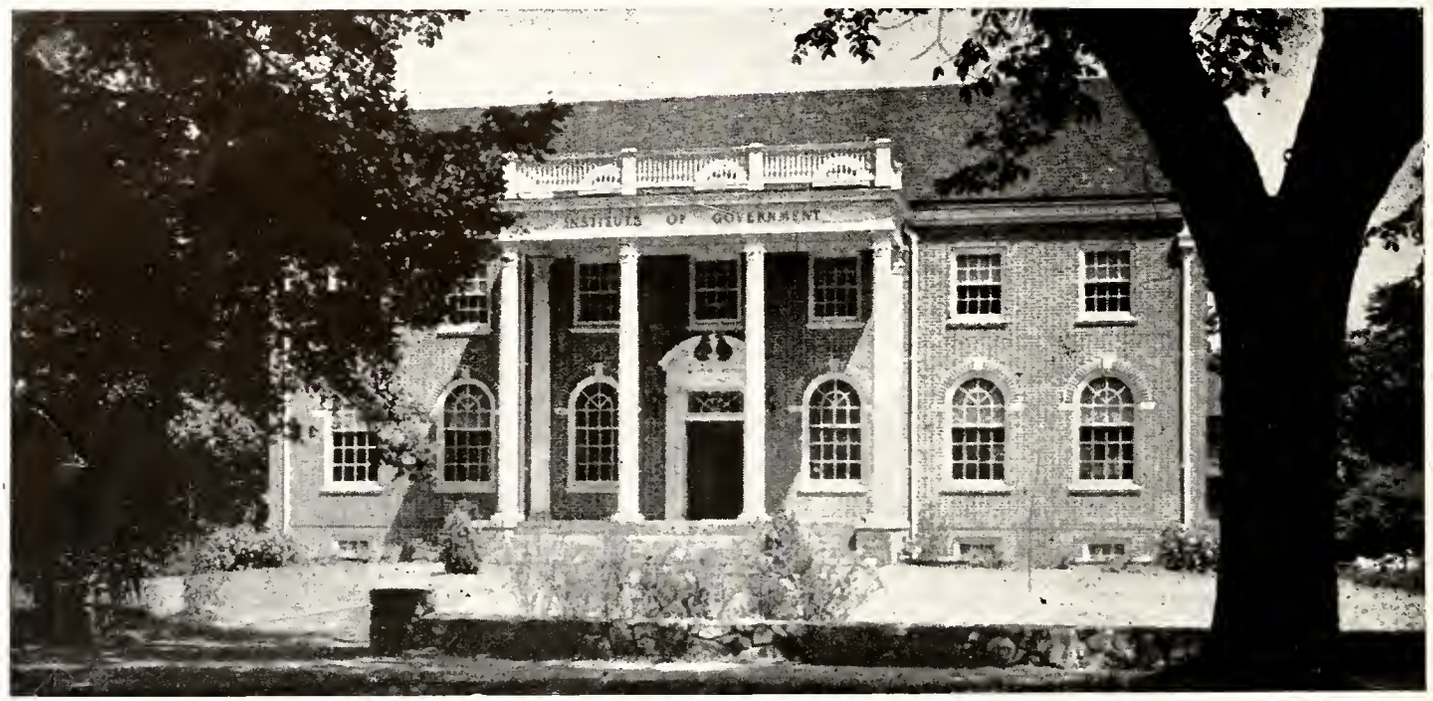
We have a saturated condition. The facilities are taxed to their capacity, and cannot operate efficiently. We simply need more capacity, which means more facilities, carefully planned.

Automobile Laws

(Continued from page 12)

have presented a certificate showing an itemized statement of what those costs were and the fact that they have been paid; this certificate must have been approved by the Commissioner of Motor Vehicles and by the Attorney General. Under the third, cities and counties, through their respective high schools, are charged with certain duties with respect to safety education. They are required to bring to the attention of their children each year, through a series of lessons to be conducted at least once a week for so long as may be necessary, the entire contents of a compendium of the traffic laws of the State. This compendium is to be prepared by the State Highway and Public Works Commission and distributed to the superintendents or principals by the State Superintendent of Public Instruction.

GOVERNMENTAL LABORATORY BUILDING
INSTITUTE OF GOVERNMENT



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