POPULAR GOVERNMENT

OCTOBER 1959

Published by the Institute of Government
UNIVERSITY OF NORTH CAROLINA • CHAPEL HILL

POPULAR GOVERNMENT

Published by the Institute of Government

Contents

Vol. 26 October, 1959 No. 2

The cover photograph is of the Graduation Exercises for the Municipal Administration Class of 1958-59. See page seven for additional pictures of the 1958-59 Class and information on the course.

POPULAR GOVERNMENT is published monthly except January, July and August by the Institute of Government, the University of North Carolina, Chapel Hill. Editorial, business and advertising address: Box 990, Chapel Hill N. C. Subscription: Per Year, $3.00; single copy, 35 cents. Advertising rates furnished on request. Entered as second class matter at the Post Office in Chapel Hill, N. C

COUNTY TAX RATES: 1959-60

by **David S. Evans**
Assistant Director, Institute of Government

Taxpayers in 53 counties will be paying property taxes for the 1959-60 fiscal year at a higher rate of taxation than was imposed during the 1958-59 fiscal year. This represents the largest number of counties with increases in recent years, and more than twice the number last year when only 25 counties increased their rates. The average number of counties increasing their tax rates over the past seven years has been 30 each year.

Thirty-four other counties have retained the same tax rate that was levied last year, and an additional 13 counties have lowered their rates for this year. Changes in the county tax rates this year varied from an increase of 40 cents per hundred dollar valuation in Mitchell County to a 60 cent decrease in Bertie County. Percentage-wise, the variation was from an increase of 30 percent over last year's rate in Lincoln County to a decrease of 33 percent in Bertie.

The changes in tax rates among the counties of the State are as follows:

Change	*No. of Counties*
Increase: 36 to 40 cents	3
Increase: 31 to 35 cents	1
Increase: 26 to 30 cents	4
Increase: 21 to 25 cents	5
Increase: 16 to 20 cents	2
Increase: 11 to 15 cents	7
Increase: 6 to 10 cents	17
Increase: 1 to 5 cents	14
No change	34
Decrease: 1 to 5 cents	3
Decrease: 6 to 10 cents	3
Decrease: 11 to 15 cents	3
Decrease: 16 to 20 cents	0
Decrease: 21 to 25 cents	1
Decrease: 26 to 30 cents	0
Decrease: 31 to 35 cents	0
Decrease: 36 to 40 cents	1
Decrease: 41 to 45 cents	1
Decrease: 46 to 50 cents	0
Decrease: 51 to 55 cents	0
Decrease: 56 to 60 cents	1
	100

The reader should keep in mind that any comparison of tax rates, without information as to assessment ratio and the level of services performed, could easily be misleading. Such a study, however, can be valuable in showing relative increases and decreases in the various levies. Throughout this study, the amounts of tax levies have been rounded off to the nearest cent whenever possible to do so.

Represented by percentages, these changes are as follows:

Percentage Change	*No. of Counties*
Increase: 26 to 30	3
Increase: 21 to 25	6
Increase: 16 to 20	4
Increase: 11 to 15	9
Increase: 6 to 10	15
Increase: 1 to 5	16
No change	34
Decrease: 1 to 5	5
Decrease: 6 to 10	6
Decrease: 11 to 15	1
Decrease: 16 to 20	1
Decrease: 21 to 25	1
Decrease: 26 to 30	0
Decrease: 31 to 35	1
	100

Of the 10 counties that cut their tax rates by more than 5 cents, only 2 did *not* have a revaluation effective this year. Among the 92 counties that did not have revaluations this year, there is an average increase in tax rates of $7\frac{1}{2}$ cents per county, while the 8 revaluation counties averaged a decrease of 25 cents each. The average of all 100 counties shows an increase of $4\frac{3}{4}$ cents per county, despite the large decreases in revaluation counties. Thus it can be seen that there is a definite trend toward increases in county tax rates to meet increasing costs and expanding services.

The greatest increases in rates were in the levies for school current expense. There were 48

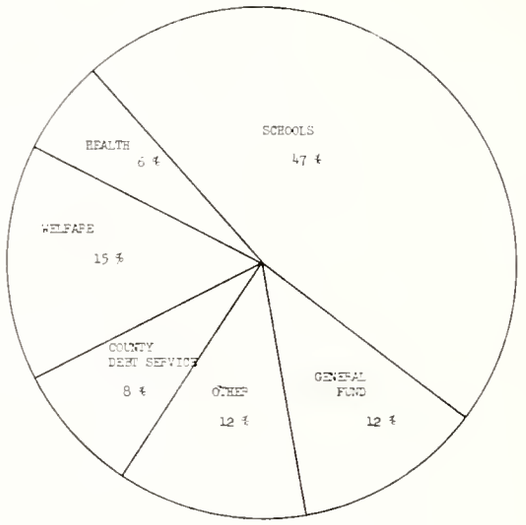
counties which increased the amount of this levy, 23 which decreased it, and 29 counties in which there was no change, for an average increase of 2 cents for each of the 100 counties. Increases for this purpose alone accounted for almost one half of the total increases for all purposes. Percentage-wise, this represents an increase of 10 percent over last year's levies for school current expense in the 70 counties changing their rates.

It is also interesting to note that levies for school debt service went up considerably, while levies for county debt service other than for schools went down. Even though only 18 counties increased the levy for school debt service and 31 decreased it, there was still an increase of 7 percent over last year's levies for this purpose in the 51 counties changing this levy. County debt service, on the other hand, showed a decline, as 19 counties increased the levy and 26 decreased it, for a drop of 8 percent in the 48 counties changing this levy. (Counties levying one tax for both county and school debt service were not included when it was not known what portion of the levy went for each.)

Pursuant to the new revaluation legislation passed by the 1959 General Assembly, 31 additional counties made a separate levy for the revaluation of real property. Of the 12 counties previously making such a levy, 10 continued to do so, for a total of 41 counties now making this levy.

Tax levies for public welfare took a slight dip, as 43 counties lowered the rate for this purpose while 33 raised it. The net drop, however, was slight. Public health, on the other hand, made a slight advance, as more than twice as many counties increased this levy as lowered it.

The 100 counties averaged a levy of 17½ cents each for the general fund, as all but one county made a levy for this fund. Craven now remains the only county that finances its general fund activities from other sources and does not levy a property tax for the general fund. Fifty-two counties levied the full 20 cents allowed by the Constitution.



Percentage Distribution of Property Tax Levies in a Typical North Carolina County.

The highest total county-wide tax rate levied by a North Carolina county this year is $2.25 per hundred dollars, levied in Mitchell and Perquimans counties, and the lowest is $.78, levied in Guilford County. The average of the 100 county tax rates is $1.44, an increase from last year of 4¾ cents per hundred dollars, or almost 3½ percent. A breakdown on the total county-wide tax rates is as follows:

Total Rate	*No. of Counties*
$ .71 to .80	2
.81 to .90	5
.91 to 1.00	7
1.01 to 1.10	7
1.11 to 1.20	9
1.21 to 1.30	12
1.31 to 1.40	10
1.41 to 1.50	9
1.51 to 1.60	8
1.61 to 1.70	9
1.71 to 1.80	6
1.81 to 1.90	7
1.91 to 2.00	4
2.01 to 2.10	1
2.11 to 2.20	1
2.21 to 2.30	3
	100

Increases and decreases in the tax rates of the various counties are as follows:

ALAMANCE maintained its tax rate of $1.40, despite increases of 33 cents for the school debt service, 7 cents for school current expense, one cent for health, one cent for welfare, and the addition of a new 6 cent levy for revaluation. Decreases made were 36 cents for school capital outlay, 8 cents for county debt service, one cent for the general fund, and the elimination of a 3 cent levy for buildings.

ALEXANDER increased 20 cents to $1.40, of which welfare gets 16 cents, health 2 cents, and debt service 2 cents.

ALLEGHANY increased 5 cents to $1.90, represented by increases of 7 cents for school capital outlay, 4 cents for welfare, 2 cents for farm and home demonstration, one cent for health, and one cent for library, offset by a 10 cent decrease for debt service.

ANSON increased 7 cents to $1.87, of which 4 cents goes to welfare, one cent for the county accountant, one cent for farm and home, and one cent for the combined debt service.

ASHE increased 10 cents to $1.55 with school debt service going up 11 cents, county debt service up one cent, and school capital outlay down 2 cents.

AVERY retained the rate of $2.10, with the same levy being made for each item.

BEAUFORT increased 10 cents to $1.75, due to increases of 11 cents for welfare, 7 cents for school capital outlay, 5 cents for revaluation, 3 cents for school current expenses, 3 cents for health, and one cent for county debt service. These increases were partially offset by decreases of 5 cents for hospital operation and 15 cents for school debt service.

BERTIE, with the aid of a revaluation, decreased its rate 60 cents to $1.20, with school current expense decreasing 18 cents, county debt service 11 cents, general fund 12 cents, armory 8 cents, welfare 5 cents, health 4 cents, hospital operation 3 cents, and school debt service one cent. School capital outlay, the only increase, went up 2 cents.

BLADEN increased 10 cents to $1.45, with a new hospital operation levy accounting for increase of 5 cents, combined debt service 2 cents, school current expense 2 cents, and school capital outlay 2 cents. Welfare decreased one cent.

BRUNSWICK remained at $1.20, with the dropping of a 4 cent hospital operation levy and a decrease of one cent for the county accountant being offset by a 3 cent health increase and and a 2 cent farm and home increase.

BUNCOMBE increased 27 cents to $2.11, with all the increase going for schools.

BURKE increased 5 cents to $1.00, with revaluation going up 4 cents, welfare up 3 cents, the general fund up 2 cents, school capital outlay up 2 cents, and health up 1 cent. School debt service went down 6 cents, and school current expense went down one cent.

CABARRUS increased 2 cents to $1.09, with debt service increasing 4 cents, schools increasing 1 1/2 cents, health increasing 1 cent, and 1/2 cent being added for revaluation. Welfare went down 1 cent and the library levy down 4 cents.

CALDWELL maintained its $.90 tax rate with the same levy for each item.

CAMDEN maintained its $1.75 tax rate, with a 7 cent decrease in the levy for combined debt service being offset by a 5 cent increase for health and a 2 cent increase for the county accountant's office.

CARTERET increased 30 cents to $1.65, with increases of 33 cents for school capital outlay, 12 cents for school current expense, 5 cents for welfare, 3 cents for health, 2 cents for county accountant, 2 cents for farm and home, 2 cents for buildings, 1 cent for veterans service officer, 1/2 cent for the general fund and 1/2 cent for the library. A new levy of 4 cents was made for revaluation. These increases were partially offset by a 34 cent decrease in debt service and a one cent decrease in school debt service.

CASWELL increased 15 cents to $1.80, with schools going up 14 cents, welfare up 7, the general fund up 5, and revaluation up 3. School current expense and school debt service went down 7 cents each.

CATAWBA maintained its $.85 tax rate with increases of 4 1/2 cents for school current expense, 1 cent for health, and 1/2 cent for welfare being offset by decreases of 4 cents in the general fund and 2 cents for the school debt service fund.

CHATHAM maintained its $1.05 tax rate, as a 10 cent increase in the school debt service levy was balanced by a 10 cent decrease in the school capital outlay levy, and the addition of a 5 cent levy for revaluation was balanced by a 2 cent decrease for welfare, a 2 cent decrease for county debt service, and a one cent decrease for health.

CHEROKEE, with a new revaluation, decreased its tax rate 37 cents to $1.62, these decreases being combined debt service 12 cents, welfare 10 cents, general fund 7 cents, schools 6 cents, and health 2 cents.

CHOWAN increased its levy 7 cents to $1.07 with the addition of a 7 cent levy for rural fire protection. Increases of 4 cents for school purposes and 2 cents for the general fund were offset by decreases of 5 cents for combined debt service and one cent for welfare.

CLAY maintained its $2.00 tax rate, with an increase of 11 cents in school current expense offsetting an 11 cent decrease for school capital outlay, and a 4 cent increase for welfare offsetting a 4 cent decrease for the general fund, the county accountant, farm and home work, and health.

CLEVELAND added 9 cents to its tax rate making it $1.48, with the addition of a 2 cent tax for revaluation and a one cent tax for civil defense, and with increases of 5 cents for school capital outlay, 3 cents for debt service, and one cent for health. School debt service decreased 2 cents and the building fund decreased one cent.

COLUMBUS maintained its $1.90 tax rate despite a 21 cent increase in the levy for school capital outlay. This 21 cent increase was balanced by decreases of 17 cents for school current expense, 3 cents for county debt service, and 1 cent for school debt service.

CRAVEN maintained its tax rate of $2.00, with a 12 cent increase for school current expense being cancelled by a 12 cent decrease for school capital outlay, a 2 cent increase for county debt service being cancelled by a 2 cent decrease for school debt service, and a one cent increase for health being cancelled by a one cent decrease for welfare.

CUMBERLAND added 6 cents to its tax rate making it $1.60, with the addition of a one cent levy for the veterans service officer and one cent for revaluation. The combined debt service levy increased 10 cents, health decreased 5 cents, and welfare decreased 1 cent.

CURRITUCK, with a revaluation, decreased its tax rate 10 cents to $1.40, despite increases of 2 cents for school current expenses and one cent for welfare. The decreases were 6 cents in school debt service, 4 cents in the general fund, 2 cents in a special county fund, and one cent in the school capital outlay fund.

DARE kept its rate at $.80, despite an increase of 5 cents for schools and the addition of a one cent levy for revaluation. Health and the building fund went down 3 cents each.

DAVIDSON added 25 cents to its rate, making it $1.25, due to increases of 19 cents for county debt service, 19 cents for school capital outlay, 5 cents for school current expense, one cent for welfare, and one cent for the library. School debt service went down 18 cents, the general fund down one cent, and health down one cent.

DAVIE kept its $.85 tax rate, as increases of 12 cents for school capital outlay, 6 cents for school current expense, and one cent for health and welfare together were offset by the elimination of a 14 cent school debt service levy, the elimination of a one cent vetarans service officer levy, a 2 cent decrease for the general fund, and a 2 cent decrease for county debt service.

DUPLIN maintained its $1.35 tax rate with the addition of a 6 cent levy for farm and home work and an increase of 2 cents for welfare, both of which were offset by a 5 cent decrease for debt service and a 3 cent decrease for school capital outlay.

DURHAM increased its rate 4 cents to $.91, 3 cents for schools and 1 cent for welfare.

EDGECOMBE increased 10 cents to $1.50, with increases of 11 cents for school capital outlay, 4 cents for school current expense, 3 cents for school debt service, and the addition of a 5 cent levy for hospital and a one cent levy for revaluation. County debt service decreased 11 cents, health decreased 2, and welfare decreased one.

FORSYTH, with aid of a revalua-

tion, decreased its rate 10 cents to $1.05 by cutting this amount from its school capital outlay levy. An increase of 2 cents for school current expenses was offset by a 2 cent decrease for welfare and a one cent increase in the general fund was offset by a one cent decrease for school debt service.

FRANKLIN raised its tax levy 5 cents to $1.45, despite a 4 cent drop in the welfare levy and a one cent drop for county debt service. Health increased 3 cents, school current expense 3 cents, school capital outlay 2 cents, county accountant's office one cent, and farm and home one cent.

GASTON maintained its old tax rate of $1.10, with a 6 cents increase for welfare, a two cent increase for school capital outlay, and a one cent increase for the general fund being cancelled by dropping a 5 cent library levy and a 2 cent combined debt service levy, and by decreasing the levy for health and for school current expenses one cent each.

GATES increased its rate 4 cents to $1.35, despite a 31 cent decrease for school capital outlay. Increases were 19 cents for school current expenses, 7 cents for health, 5 cents for rural fire protection, 3 cents for welfare, and one cent for debt service.

GRAHAM maintained its old tax rate of $1.25, with the same levy being made for each item.

GRANVILLE kept its rate of $1.24, as school current expense went up 7 cents, the general fund up one cent, health up one cent, school capital outlay down 6 cents, welfare down 2 cents, and school debt service down one cent.

GREENE maintained its $1.10 tax rate as levied last year, with a 10 cent increase in school capital outlay being offset by a 4 cent decrease for school current expenses, a 4 cent decrease for the general fund and health, a one cent decrease for welfare, and a one decrease for school debt service.

GUILFORD went up 8 cents on its tax rate to $.78, 3 cents for school capital outlay, 2 cents for school debt service, one cent for school current expenses, one cent for welfare, 1/2 cent for health, and 1/2 cent for revaluation.

HALIFAX increased its rate 10 cents to $1.30, 4 cents for the combined debt service fund, 2 cents for health, 2 cents for welfare, one cent for school current expense, and one cent for school capital outlay.

HARNETT maintained the same tax rate of $1.59 despite an increase of 14 cents in the levy for school current expenses. Decreases were 11 cents for school capital outlay and one cent for school debt service. Levies of one cent each for the county accountant's office and the veterans service officer were both dropped.

HAYWOOD went up 5 cents on its tax rate to $1.90, with increases of 9 cents for school capital outlay, 4 cents for hospital operation, one cent for county debt service, and one cent for farm and home work. A one cent levy for revaluation was added. Welfare went down 3 cents, school current expense down 4, school debt service down 2 cents, and building fund down 2 cents.

HENDERSON increased its rate by 35 cents to $1.80, with school current expense going up 13, school capital outlay up 8, combined debt service up 6, welfare up 2, health up 2, and library up one cent. Levies of 4 cents for the county accountant's office and 2 cents for revaluation were added this year. Decreases were 2 cents in the levy for special purposes, and one cent for hospitals.

HERTFORD increased its rate 12 cents to $1.62, with the big increase being 10 cents for school capital outlay. Other increases were 3 cents for welfare, 2 cents for the county accountant's office, 2 cents for county debt service, and one cent for health. A two cent levy for revaluation was added this year. The hospital operation levy decreased 4 cents, school debt service decreased 3 cents, and school current expenses decreased one cent.

HOKE increased its tax rate 27 cents to $1.20, represented by a 26 cent increase for school debt service and a one cent increase for school capital outlay. The addition of an 8 cent levy for the county accountant, farm and home, veteran service officer, and rural fire protection was offset by decreases of 2 cents for welfare, 2 cents for health, 2 cents for school current expense, and 2 cents for a special courthouse fund.

HYDE maintained its $1.30 tax rate, as an 8 cent decrease for school capital outlay, 1 1/2 cent decrease for rural fire protection, and a 1 1/2 cent decrease for welfare were offset by increases of 6 cents for school current expense, 2 cents for debt service, one cent for the general fund, one cent for the county accountant's office, and one cent for farm and home work.

IREDELL maintained its same tax rate of $1.50 despite a 20 cent decrease in the school capital outlay levy and a 5 cent decrease for the general fund. These were made up by increases of 14 cents for county debt service, 5 cents for school current expense, 3 cents for school debt service, one cent for revaluation, one cent for health, and one cent for welfare.

JACKSON kept its old tax rate of $1.70, as an 8 cent decrease in school debt service, a 4 1/2 cent decrease for welfare, and a 1/2 cent decrease for farm and home were cancelled out by increases of 7 cents for school current expense and 2 cents for school capital outlay, and by the addition of a 3 cent levy for revaluation and a one cent levy for county buildings.

JOHNSTON increased its rate 4 cents to $1.60, with an increase of 6 cents for school current expense and the addition of a 5 cent farm and home demonstration levy and a 2 cent revaluation levy. There were decreases of 5 cents for school capital outlay, 2 cents for welfare, one cent for county debt service, and one cent for school debt service.

JONES lowered its tax rate 14 cents to $1.64, due to decreases of 9 cents for public welfare, 5 cents for debt service, and 4 cents for school current expense. Increases were made of 2 cents for the general fund, one cent for rural fire protection, and one cent for school capital outlay.

LEE raised its tax rate 10 cents to $1.45, with increases of 4 cents for school current expenses, 2 cents for welfare, 2 cents for combined debt service, one cent for health, and one cent for special purposes.

LENOIR raised its tax rate 3 cents to $1.18, with increases of 6 cents for combined debt service, 2 cents for school current expense, and one cent for the general fund. Decreases were 5 cents for school capital outlay and one cent for welfare.

LINCOLN raised its tax rate 30 cents to $1.30, with increases of 21 cents for combined debt service, 17 cents for school current expense, and 2 cents for health purposes. New levies added this year are 2 cents for retirement, two cents for civil defense, one cent for rural fire protection, one cent for revaluation, and one cent for county buildings. School capital outlay went down 16 cents, and welfare went down one cent.

MACON'S tax rate of $1.60 did not change, with the same levy being made for each item.

MADISON cut 23 cents from last year's rate, coming down to $1.65,

with the biggest cut being the elimination of a ten cent levy for county buildings. Other decreases were 7 cents for school capital outlay, 3 cents for health, 2 cents for debt service, 2 cents for school current expense, one cent for welfare, one cent for rural fire protection, and one cent for the county accountant's office. Two new levies were made, two cents each for revaluation and civil defense.

MARTIN increased its tax rate 10 cents to $1.60, with increases of 6 cents for health, one cent for farm and home, one cent for school current expense, and the addition of a five cent levy for revaluation. The general fund, welfare, and school debt service were each cut one cent.

MC DOWELL raised its tax rate 10 cents to $1.50, led by the addition of a 5 cent tax for revaluation. The general fund levy went up 3 cents, the school debt service went up one cent, and the accountant and farm and home fund together went up one cent.

MECKLENBURG took 4 cents off its last year's tax rate, coming down to $.91, cutting 6 cents from school current expense, 3 cents for health, one cent from welfare, and one cent from the general fund. School debt service went up 4 cents, and school capital outlay up 3 cents.

MITCHELL went up 40 cents to $2.25, with increases of 14 cents for school debt service, 11 cents for a combination fund (including the general fund, the county accountant, farm and home work, veterans service officer, and rural fire protection), 4 cents for welfare, 2 cents for school current expense, and one cent for buildings. New levies added this year are 15 cents for revaluation and one cent for retirement. The only decrease was 8 cents for school capital outlay.

MONTGOMERY increased its tax rate 10 cents to $1.25, with the addition of an 8 cent levy for the county accountant's office, farm and home work, and the veterans service officer, a 4 cent levy for revaluation, and a 2 cent levy for the library. In addition, school current expense was raised 5 cents, and welfare was raised 3 cents. County debt service went down 8 cents, the general fund went down 2 cents, school capital outlay went down one cent, and school debt service went down one cent.

MOORE maintained its old tax rate of $1.35, as a 14 cent increase for school current expense cancelled out a 14 cent decrease for school capital outlay, and a one cent increase for welfare cancelled out a one cent decrease for health.

NASH maintained its $1.25 tax rate, with an increase of 9 cents in the general fund, an increase of 4 cents for school current expense, and the addition of a one cent levy for revaluation. School capital outlay went down 11 cents, welfare down 2, and debt service down one.

NEW HANOVER increased its rate 3 cents to $1.18 with a 10 cent increase for school debt service, a one cent increase for hospital operation, and the addition of a 5 cent levy for Wilmington College and a 1/2 cent levy for revaluation. The school current expense levy was decreased 7 cents, welfare 3 cents, school capital outlay 2 cents, health one cent, and the general fund 1/2 cent.

NORTHAMPTON increased its tax rate 20 cents to $1.20, with an 8 cent increase for special purposes (including the county accountant, farm and home demonstration, veterans service officer, library, and special purpose fund), 5 cents for welfare, 2 cents for health, 3 cents for school current expense, and 2 cents for school capital outlay.

ONSLOW with a revaluation effective this year, lowered its tax rate 13 cents to $1.15, by cutting 7 cents from its welfare levy and 6 cents from its school capital outlay levy. An increase of 3 cents for hospital operation and the addition of a one cent levy for libraries were offset by a 3 cent decrease for school debt service and a one cent decrease for health.

ORANGE raised its tax rate 13 cents to $.95, reflected in a 13 cent increase for school capital outlay. Other changes cancelled themselves out, as school current expense increased 6 cents, one cent was added for revaluation, county debt service decreased 3 cents, welfare decreased 2 cents, the general fund decreased one cent, and school debt service decreased one cent.

PAMLICO raised its tax rate 5 cents to $1.35 as cuts of 8 cents for school current expense and 2 cents for debt service failed to equal increases of 8 cents for school capital outlay, 3 cents for health, 3 cents for welfare, and one cent for the county accountant's office.

PASQUOTANK raised its tax rate 3 1/2 cents to $1.36, with the addition of a 10 cent levy for hospital operation. County debt service increased 9 cents, the county accountant's office increased one cent, and farm and home demonstration increased one cent. The welfare levy dropped 7 cents, school capital outlay 5 cents, school current expense 2 1/2 cents, health 2 cents, and school debt service one cent.

PENDER kept its old tax rate of $1.89, as increases of 8 cents for school current expense, one cent for farm and home demonstration, one cent for library, and one cent for county debt service were cancelled by a 6 cent decrease for school capital outlay, 3 cents for health, and one cent each for welfare and school debt service.

PERQUIMANS raised its rate 25 cents to $2.25, as the combined debt service went up 2 cents, and a special fund (including farm and home demonstration, veterans service officer, rural fire protection, revaluation, health, and hospital operation) went up 23 cents. An increase of 3 cents for welfare and a decrease of 3 cents for school current expense cancelled each other.

PERSON cut 5 cents from its tax rate, coming down to $1.50, by dropping a 5 cent levy for revaluation. Other changes were balanced off, as school capital outlay increased 5 cents, school debt service 2 cents, building fund 2 cents, the general fund 2 cents, and health 2 cents, and welfare decreased 10 cents, school current expense 2 cents, and county debt service one cent.

PITT increased its rate 15 cents to $1.23, as county debt service went up 11 cents and school current expense went up 4 cents. Increases of one cent each for health and welfare balanced decreases of one cent each for school capital outlay and the general fund.

POLK kept its old tax rate of $1.80, as increases of 15 cents for school debt service and one cent for the accountant's office were equalled by decreases of 11 cents for welfare, 4 cents for county debt service, and one cent for health.

RANDOLPH went up 13 cents to $1.18 as a result of the addition of new levies of 10 1/2 cents for a jail and 2 1/2 cents for revaluation. The general fund went up 3 cents and schools up one cent, but county debt service went down 4 cents to balance these changes.

RICHMOND increased its rate 10 cents to $1.35, represented by an increase of 10 cents for school capital outlay. Other increases of 3 cents for school current expense, 3 cents for the general fund, 1/2 cent for the county accountant, and 1/2 cent for county

debt service were matched by a 5 cent decrease for school dept service and a 2 cent decrease for hospital operation.

ROBESON kept its $2.00 tax rate as an 8 cent increase for school current expense was equalled by a 5 cent decrease for school capital outlay and a 3 cent decrease for combined debt service.

ROCKINGHAM maintained the same $.85 tax rate, with decreases of 9 cents for school capital outlay and 3 cents for county debt service being equalled by increases of 10 cents for school debt service, one cent for school current expense, and one cent for the general fund.

ROWAN increased its rate 11 cents to $1.00, as county debt service went up 15 cents, the general fund up 7 cents, school current expense up 3 cents, school capital outlay down 11 cents, and welfare down 3 cents.

RUTHERFORD took 45 cents from its tax rate by revaluation, coming down to $1.50, with decreases of 13 cents for welfare, 9 cents for school capital outlay, 7 cents for radio and uniforms, 6 cents for revaluation, 5 cents for the general fund, 5 cents for school current expense, 2 cents for county debt service, 2 cents for school debt service, and one cent for health. New levies of 4 cents for industrial development and one cent for capital outlay were made this year.

SAMPSON added 5 cents to its tax rate, making it $1.85, as debt service went up 3 cents, welfare up one cent, library up one cent, and school debt service up one cent. The county building fund levy decreased one cent.

SCOTLAND raised its tax rate 39 cents to $2.21, with a 20 cent increase for welfare, an 11 cent increase for school capital outlay, a 5 cent increase for general fund, a 3 cent increase for the county accountant, farm and home demonstration, and veterans service officer, a 2 cent increase for health, and the addition of a 2 cent tax for revaluation. Decreases were 2 cents for school current expense and one cent county debt service, and a one cent levy for rural fire protection was dropped.

STANLY added 21 cents to its tax rate, making $1.20, with the addition of a 10 cent tax levy for revaluation and a 4 cent levy for farm and home demonstration. School current expense increased 4 cents, county accountant's office one cent, county building fund one cent, health one cent, rural fire protection one cent, and welfare one cent. The general fund and county debt service went down one cent each.

STOKES maintained its old tax rate of $1.10, despite a 12 cent increase for school capital outlay, a 3 cent increase for the general fund, and a one cent increase for health. To balance these, school current expense decreased 6 cents, school debt service 5 cents, welfare 3 cents, and county debt service 2 cents.

SURRY added 10 cents to its total tax levy, making it $.95, due to a 9 cent increase for school capital outlay and a 3 cent increase for combined debt service. The general fund levy decreased one cent, and a one cent levy for county buildings was dropped.

SWAIN maintained its $1.70 tax rate, with the same levy being made for each item.

TRANSYLVANIA maintained the same tax rate of $1.55, as a 6 cent decrease in the levy for school current expense and a 3 cent decrease for county debt service were equalled by increases of 4 cents for welfare, 2 cents for school debt service, 2 cents for the general fund and veterans service officer, and one cent for health.

TYRRELL took one cent off last year's tax rate, coming down to $1.06291, as welfare decreased 3 cents, school capital outlay decreased 3 cents, health decreased 2 cents, and school debt service decreased 1 1/2 cents. The school current expense levy went up 5 cents, the general fund went up 2 cents, and levies were added of one cent for revaluation and 1/2 cent for auditing.

UNION increased its tax rate 5 cents to $2.00. Decreases of 34 cents for school capital outlay, 13 cents for revaluation, 6 cents for welfare, and 3 cents for school current expense were more than equalled by increases of 46 cents for school debt service, 2 cents for health, 2 cents for capital outlay, and the addition of a 10 cent levy for hospital operation and a one cent levy for retirement.

VANCE had a revaluation and cut 10 cents off last year's tax rate, coming down to $1.30, with school current expense and school debt service dropping 6 cents each and welfare dropping one cent. School capital outlay was raised 3 cents.

WAKE increased its rate 36 cents to $1.60, due largely to an increase of 32 cents for school current expenses. Other increases were 4 cents for county debt service, 4 cents for school capital outlay, and 3 cents for school debt service. Health and welfare together decreased 2 cents, and a 5 cent levy for revaluation was eliminated.

WARREN increased its rate 23 cents to $1.88, as decreases of 4 cents for school capital outlay and 2 cents for general fund were overrun by increases of 12 cents for school current expenses, 6 cents for welfare, 2 cents for health, one cent for the county accountant's office, one cent for farm and home demonstration, one cent for hospital operation, and one cent for debt service. A new levy of 5 cents for revaluation was added this year.

WASHINGTON maintained its $1.70 tax rate, with a 17 cent decrease in the levy for county debt service being equalled by increases of 13 cents for school current expenses, 3 cents for the general fund, and one cent for farm and home.

WATAUGA maintained its old tax rate of $.95, with an incease of 3 cents for welfare, a decrease of 2 cents for health and the general fund together, and a decrease of one cent in the combined debt sevice.

WAYNE increased its rate 7 cents to $1.25, as decreases of 21 cents for combined debt service and 1/2 cent for welfare were more than matched by increases of 23 cents for school capital outlay, 3 cents for school current expense, 2 cents for health, and 1/2 cent for revaluation.

WILKES added 23 cents to its tax rate, making it $1.70, by increases of 13 cents for school capital outlay, 6 cents for school current expense, one cent for health, one cent for farm and home demonstration work, and one cent for the accountant's office, and by the addition of a 5 cent levy for revaluation. The combined debt service levy decreased 3 cents and the levy for welfare one cent.

WILSON had a revaluation and cut its tax rate 15 cents to $1.28. Decreases were 15 cents for welfare and 9 cents for schools. Health went up 2 cents, the general fund went up one cent, and a new 6 cent levy for revaluation was made this year.

YADKIN raised its tax rate 11 cents to $.90, largely due to the addition of a 10 cent tax for county debt service. The general fund increased 5 cents, the school current expense levy increased 5 cents, the health fund increased 2 cents, the school debt service levy decreased 5 cents, school capital outlay decreased 4 cents, and welfare decreased 2 cents.

YANCEY maintained its $1.80 tax rate, with the same levy for each item.

MUNICIPAL ADMINISTRATION

Joe H. Berrier, (right) Street Superintendent of Winston-Salem, is shown receiving the George C. Franklin Award from Miss Georgianna Franklin during graduation exercises for the 1958-59 Municipal Administration Class. Gen. James R. Townsend, Greensboro City Manager and President of the North Carolina League of Municipalities, looks on. The George C. Franklin Award is given each year by the N. C. League of Municipalities to the member of the Municipal Administration Class who has made the most outstanding record.

The sixth annual course in Municipal Administration offered by the Institute of Government will begin on November 5, 1959. The course provides intensive and advanced training in the fundamentals of municipal government on a practical level. It is designed especially for managers, department heads and other officials with administrative responsibilities.

As in past years, sessions of the course will be held on twelve weekends extending from its beginning in the Fall to its conclusion in the late Spring. From 10 to 20 hours of instruction are offered during each session.

Major areas of instruction are: introduction to municipal government, techniques of administration, municipal finance, personnel administration, planning, and an examination of line functions and policies.

In the five years since the Course was first given, 121 officials have received certificates upon graduation. Of this number, 59 have been managers, clerks, finance directors and officials in other similar positions; 14 have been police or fire officials; 38 have held posts in engineering, public works, or public utilities; and 10 have held other municipal posts.

While the course is designed to train municipal administrators in general, it has attracted officials who have been interested in becoming city managers. A total of 16 members of the first five classes who were not managers at the time of enrollment have since received appointmnts as city managers.

GRADUATES OF THE MUNICIPAL ADMINISTRATION CLASS OF 1958-1959. (l. to r.) First row: John W. Mayo, Mayor, Clayton; Durant Y. Brannock, Utilities Director, Burlington; William T. Ivey, Chief of Police, Statesville; William F. Carmichael, Clerk-Treasurer, Wake Forest; James A. Stewart, Director, Electric Utilities, Statesville; Harold D. Bolick, Supervisor, Parks and Grounds, Winston-Salem. Second row: L. L. Worrell, Police Chief, Fayetteville; Earl W. Bonner, City Engineer, Washington; Ulysses E. Hull, Engineer, Winston-Salem; A. E. Guy, Clerk-Treasurer, Statesville; John J. Dunlap, Clerk, Spring Hope; Paul B. Calhoun, Chief of Police, Greensboro; Curtis A. Arledge, Manager, Tryon. Third row: Thomas J. Reavis, Jr., Sergeant, Police Department, Winston-Salem; R. C. Black, Assistant Fire Chief, Burlington; Donald P. Ingold, Traffic Engineer, Greensboro; Luther P. Bobo, Assistant City Engineer, Charlotte; Donald Knibb, Engineer, Water Department, Greensboro; Hugh L. Medford, Director of Public Works, Greensboro; Joe H. Berrier, Superintendent of Streets, Winston-Salem. Fourth row: Peter F. Lydens, Assistant City Manager, Winston-Salem; Stephen B. Petty, Assistant Clerk and Treasurer, Burlington; James W. Wooten, Captain, Fire Department, Winston-Salem; Ralph L. Musgrave, Director of Finance, Lexington; H. E. Russell, Clerk-Treasurer, New Bern; James E. Blue, City Engineer, New Bern; Billy L. Montague, Personnel Officer, Morganton.

FRANK v. MARYLAND

A Discussion of the United States Supreme Court Decision on the Validity of Health Inspections Without a Search Warrant

by Roddey M. Ligon, Jr.
Assistant Director, Institute of Government

DISCUSSION OF CASE

On May 4, 1959, the United States Supreme Court, in a five to four decision, upheld the conviction of a resident of the City of Baltimore who refused to allow a health inspector to make an inspection of the basement area of his dwelling unless the inspector obtained a search warrant. The case is styled: *Aaron D. Frank, Appellant v. State of Maryland*, 79 S. Ct. 804 (1959).

The facts in the case were as follows: acting on a complaint from a resident of the 4300 block of Reisterstown Road, Baltimore, Maryland, that there were rats in her basement, Gentry, an inspector of the Baltimore City Health Department, began an inspection of the houses in the vicinity looking for the source of the rats. In the middle of the afternoon of February 27, Gentry knocked on the door of appellant's detached frame house at 4335 Reisterstown Road. After receiving no response he proceeded to inspect the area outside the house. This inspection revealed that the house was in an "extreme state of decay," and that in the rear of the house there was a pile later identified as "rodent feces mixed with straw and trash and debris to approximately half a ton." During this inspection appellant came around the side of the house and asked Gentry to explain his presence. Gentry responded that he had evidence of rodent infestation and asked appellant for permission to inspect the basement area. Appellant refused. At no time did Gentry have a warrant authorizing him to enter. The next forenoon Gentry, in the company of two police officers, returned to appellant's house. After receiving no response to his knock, he reinspected the exterior of the premises. He then swore out a warrant for appellant's arrest alleging a violation of §120 of Art. 12 of the Baltimore City Code. That section provides:

> Whenever the Commissioner of Health shall have cause to suspect that a nuisance exists in any house, cellar or enclosure, he may demand entry therein in the day time, and if the owner or occupier shall refuse or delay to open the same and admit a free examination, he shall forfeit and pay for every such refusal the sum of Twenty Dollars.

Appellant was arrested on March 5, and the next day was found guilty of the offense alleged in the warrant by a Police Justice for the Northern District of Baltimore and fined twenty dollars. On appeal, the Criminal Court of Baltimore also found appellant guilty. The Maryland Supreme Court refused to hear the case. The case was then appealed to the United States Supreme Court to get that court to determine whether appellant's conviction for resisting an inspection of his house without a warrant was obtained in violation of the Fourteenth Amendment.

The majority opinion was written by Mr. Justice Frankfurter and concurred in by Justices Clark, Harlan, and Stewart. This opinion first points out that (1) the Code of the City of Baltimore requires, among other things, that all dwellings be kept clean and free from any accumulation of dirt, filth, rubbish, garbage or similar matter, and free from vermin or rodent infestation; (2) if the occupant of a building fails to meet this standard, he is notified by the Commissioner of Health to abate the substandard conditions; and, (3) a failure to abate these hazards to community health, after notice, gives rise to a criminal prosecution. From this, the Court emphasizes the fact that the attempted inspection of Frank's home was merely to ascertain the existence of evils to be corrected upon due notification or, in default of such correction, to be made the basis of punishment, and that it was not a search for evidence of a crime.

The majority opinion then reviews the "historic impulses" behind the Fourth Amendment [which provides: "The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue but upon probable cause, supported by oath or affirmation and particularly describing the place to be searched, and the persons or things to be seized"], the interrelationship between the Fourth and Fifth Amendments [the Fifth Amendment prohibits, among other things, self-incrimination], and concludes that the right to be secure from searches for evidence to be used in criminal prosecution or for forfeitures was the fundamental liberty which gave rise to the Fourth Amendment. From this the court reasons that due process of law was not denied Mr. Frank as the attempted inspection was to determine if conditions existed which should be abated, and not for the purpose of seizing evidence of a crime.

The majority, after recognizing that the extent to which the essential right of privacy is protected by the Due Process Clause of the Fourteenth Amendment is not restricted within the historic bounds which gave rise to it, proceeds to hold: "But giving the fullest scope to this constitutional right of privacy, its protection cannot be invoked here . . . Appellant is simply directed to do what he could have been ordered to do without any inspection, and what he cannot properly resist, namely, act in a manner consistent with the maintenance of minimum community standards of health and well-being, including his own."

The majority continues with a discussion of the limitations on the power of inspection granted by the Baltimore City Code, noting that valid grounds for suspicion of the existence of a nuisance must exist, that the inspection must be made in the daytime, and that the inspector has no right to force his way in. These limitations prompted the Court to state: "Thus, not only does the inspection [attempted here] touch at most upon the periphery of the important interests safeguarded by the Fourteenth Amendment's protection against official intrusion, but it is hedged about with safeguards designed to make the least possible demand on the individual occupant, and

to cause only the slightest restriction on his claims of privacy. Such a demand must be assessed in the light of the needs which have produced it."

The majority then returns to a discussion of history and points out that inspection without a warrant, as an adjunct to a regulatory scheme for the general welfare of the community and not as a means of enforcing the criminal law, had been authorized by the states since pre-revolutionary days. This authority, they note, did not decline with the passage of state constitutions containing provisions similar to the Fourth Amendment, but was in fact extended to new community concerns. To indicate the conclusion to be drawn from this fact, the Court quotes from a prior U. S. Supreme Court case thusly: "The Fourteenth Amendment, itself a historical product, did not destroy history for the States and substitute mechanical compartments of law all exactly alike. If a thing has been practised for two hundred years by common consent, it will need a strong case for the Fourteenth Amendment to affect it."

The opinion of the majority next discusses the fact that the problems which gave rise to these early "inspection for the benefit of the community" type ordinances have multiplied. The opinion states: "Time and experience have forcefully taught that the power to inspect dwelling places, either as a matter of systematic area-by-area search or, as here, to treat a specific problem, is of indispensable importance to the maintenance of community health; a power that would be greatly hobbled by the blanket requirement of the safeguards necessary for a search of evidence of criminal acts."

The majority concludes: "In light of the long history of this kind of inspection and of modern needs, we cannot say that the carefully circumscribed demand which Maryland here makes on appellant's freedom has deprived him of due process of law."

The dissenting opinion was written by Mr. Justice Douglas, and concurred in by Chief Justice Warren, and Justices Black and Brennan.

The dissenters were of the opinion that the Fourth Amendment protected citizens against any unreasonable searches and seizures by government, whatever may be the complaint, and not just against searches for evidence of a crime. This constituted the principal difference between the dissenting opinion and the majority opinion.

The dissenting opinion states: "The Court misreads history when it relates the Fourth Amendment primarily to searches for evidence to be used in criminal prosecutions." This opinion then reviews the historic basis for the Fourth Amendment by quotations indicating that this amendment was intended to apply to every governmental official seeking admission to any home in the country.

The dissenting opinion concludes that "the right of privacy must yield only when a judicial officer issues a warrant for a search on a showing of probable cause"; and that ". . . the Fourth Amendment . . . protects even the lowliest home in the land from intrusion on the mere say-so of an official."

A concurring opinion was written by Mr. Justice Whittaker. It was this opinion which tipped the scales in favor of affirmance of the conviction of the appellant (which four Justices advocated) rather than reversal (which four Justices advocated). This concurring opinion was only one paragraph in length and was as follows:

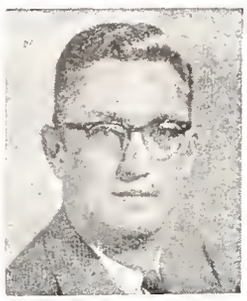
> The core of the Fourth Amandment prohibiting unreasonable searches applies to the States through the Due Process Clause of the Fourteenth Amednment. *Wolf v. Colorado*, 338 U.S. 25. I understand the Court's opinion to adhere fully to that principle. And being convinced that the health inspector's request for permission to enter premises in mid-day for the sole purpose of attempting to locate the habitat of disease-carrying rodents known to be somewhere in the immediate area was not a request for permission to make, and that the Code procedures followed did not amount to enforcement of, an unreasonable search within the meaning of the Fourth and Fourteenth Amendments, I join the opinion of the Court.

HEALTH INSPECTIONS IN NORTH CAROLINA

Probably the most important point that could be made to health officials in North Carolina concerning the case discussed above is that *it has no application to health inspections in North Carolina.* If the occupant of a private dwelling in North Carolina refused to permit a health inspector to enter his home to make an inspection, as Mr. Frank did in Baltimore, that occupant would not be guilty of a crime. The North Carolina law, contrary to the Code of the City of Baltimore, does not make it unlawful for an occupant of a private dwelling to refuse entry by the health inspector. G.S. 130-204 provides: "Authorized representatives of the State Board of Health or any local board of health shall have at all times the right of proper entry upon any and all parts of the premises of any place in which such entry is necessary to carry out the provisions of this chapter, or the rules and regulations adopted under the authority of this chapter; and it shall be unlawful for any person to resist a proper entry by such authorized representatives of the State Board of Health or local board of health upon any premises other than a private dwelling."

This does not mean that the health inspector, or his representative, who feels that the inspection of a private dwelling is necessary for the protection of the public health, and who is refused entry by the occupant, is completely without any recourse. Although our statutes do not make it a crime for the occupant to refuse entry, they do provide a procedure whereby the health director can obtain from a superior court judge an order enjoining the occupant from hindering or interfering with the health director or his representative in the proper performance of his duty. This procedure appears to be somewhat more cumbersome than a requirement that a search warrant be obtained, but in those rare instances when the occupant refuses admittance (statistics in the Supreme Court case discussed above showed that although the Baltimore Health Department conducted between 25 and 36 thousand inspections per year between 1954 and 1958, the number of prosecutions for denying entry was estimated to average only about one per year), this procedure is available. The applicable statute is G.S. 130-205 which provides: ". . . if any person shall hinder or interfere with the proper performance of duty of the State Health Director or his representative, or any local health director or his representative and such hindrance or interference is or may be dangerous to the public health, the State Health Director or any local health director may institute an action in the superior court of the county in which such . . . hindrance or interference occurred for injunctive relief against such continued . . . hindrance or interference, irrespective of all other remedies at law, and upon the institution of such an action, the procedure shall be in accordance with the provisions of article 37 of Chapter 1 of the General Statutes."

COUNTY EXPENDITURES FOR WATER AND SEWER LINES



A Discussion of the Authority of Counties to Make Expenditures for the Extension of Water and Sewer Lines

by John Alexander McMahon*

Many counties, in recent years, have been asked to build water and sewer lines. In some cases, the request has envisioned county appropriations to defray the cost of lines that no municipal government or private concern could meet, with subsequent operation of the lines left to municipal or private responsibility. In other cases, the request has envisioned full construction and operation of a water and sewer system by the county.

In the years prior to 1955, these requests were infrequent, and even when made they were often turned aside because there was no general legislative authority to spend county money for such a purpose. The few counties which wanted to undertake these activities obtained special legislation authorizing limited operation. But in recent years, the requests became numerous enough to resu't in the passage of a general act of limited scope by the General Assembly of 1955, and the passage of a general act of broader scope by the General Assembly of 1957.

These two acts provide the general law authority in this area, and as a consequence they are worthy of examination.

THE 1955 ACT

Chapter 370 of the Session Laws of 1955, now codified as Section 153-11.2 of the General Statutes of North Carolina, authorizes appropriations for water and sewer lines in the following terms:

> The board of county commissioners in any county in North Carolina is authorized and empowered to appropriate, make available and spend from any surplus funds or any funds not derived from tax sources which are available to said board to be used in such amounts in the discretion of said boards for the purpose of building water and sewer lines from the corporate limits of any municipality in said county to communities or locations outside the corporate limits of any municipality therein. Said water lines shall be built and constructed for the purpose of public health and to promote the public health in communities and locations in the State where large groups of employees live in and around factories and mills and where said water and sewerage is nececssary to promote industrial purposes.

As previously mentioned, this act is of limited scope. It provides three restrictions on the power to spend money for water and sewer lines:

(1) The moneys which can be appropriated and spent are limited to "surplus funds or any funds not derived from tax sources." The authority does not extend to the expenditure of tax funds.

(2) The water and sewer lines authorized to be built are limited to those "from the corporate limits of any municipality in said county to communities or locations outside the corporate limits of any municipality therein." Thus the act does not authorize a broad scale water and sewer system, but rather envisions the construction of lines from one place—at the corporate limits of any municipality—to a community or location outside such corporate limits.

(3) The purposes for which the water and sewer lines may be built are limited to the "public health and to promote the public health in communities and locations in the State where large groups of employees live in and around factories and mills and where said water and sewerage is necessary to promote industrial purposes." This provision is somewhat ambiguous. It is susceptible of the construction that water and sewer lines can be built only from the corporate limits of any municipality to a community or location where large groups of employees live near industrial factories and mills *and* where the factories and mills themselves need water and sewer for industrial purposes. On the other hand, the provision is susceptible of the construction that water and sewer lines may be built to locations which meet either of the two criteria; that is, the lines may be built to a location where large groups of employees live near a factory or a mill, *or* they may be built to a location for industrial purposes, whether or not large groups of employees live in or around a factory or mill at the location. It is clear that a line can be built to an existing location, where there is a factory needing water and sewer service and where people in large groups live near the factory; but there is a question as to whether a line can be built to a location which is a prospective site for a factory, where there are no "large groups" living at the present time.

In addition to the problems raised by the foregoing provisions, the 1955 Act also raises a question because of the absence of any provision for operation, repair, reconstruction, and charges for use of the water and sewer lines built pursuant to its provisions. Perhaps the provisions of G.S. 153-2(4), 153-9(13), and 153-9(14), authorizing boards of county commissioners to make orders for the use, disposition, sale, or lease of county property, would supply the omission, leaving broad authority to a board of commissioners to make such provision for operation, lease or other disposition as deemed advisable in the circumstances. How far our court would go, however, in upholding contracts for use, maintenance, operation, lease, sale or gift of the lines with or to a municipality or a private concern is a matter for conjecture.

The 1955 Act also raises one further problem. Can a county share the cost of a water and sewer line with a municipality or private concern? The act speaks in terms of "building" lines, so whether a joint cost-sharing arrangement is permissible under the act is open to question.

*This article was written by Mr. McMahon, now General Counsel of the North Carolina Association of County Commissioners, while he was a member of the Institute of Government staff.

THE 1957 ACT

Perhaps because of the questions of interpretation raised by the 1955 Act, or perhaps because broader authority was needed, the 1957 General Assembly passed a new law. The 1957 Act [Chapter 266, Session Laws of 1957] does not repeal the 1955 Act; rather it provides new and broader authority to counties in this area. It adds a new paragraph to G.S. 153-9, authorizing boards of county commissioners to acquire, build, and operate water and sewer systems. The act also amends the County Finance Act to authorize the issuance of 40-year general obligation bonds to acquire, construct, and improve water and sewer systems.

The full provisions of paragraph 46, added to G.S. 153-9 by the 1957 Act, are of interest. This paragraph authorizes a board of county commissioners:

> To acquire, construct, reconstruct, extend, improve, operate, maintain, lease and dispose of water systems and sanitary sewer systems, to contract for the operation, maintenance and lease of any such systems, and to contract for a supply of water and the disposal of sewage.

It will be observed that this authority authorizes a board to acquire a water system and a sewer system. It authorizes a board to construct a system and once constructed to reconstruct, extend, and improve it. It authorizes a board to operate, maintain, and lease a water system and a sewer system. Certainly, it authorizes the lease of a county system for operating purposes, say, to an adjacent municipality; and it also seems to authorize the lease by the county for county operation of a system built by someone else, though this type of lease is not likely to occur. Finally, the paragraph authorizes a board to "dispose" of a water system or sewer system. It is hard to determine just what the term "dispose" includes, but to be on the safe side a county should receive something of value in return for what it is disposing of. The return could be monetary, as in the case of a sale. Or perhaps it could be in service rendered, as in the case where a system were deeded to a municipal corporation or private concern on condition that the system be operated and maintained properly, with title to re-vest in the county in case of failure to do so.

The paragraph also authorizes a board of county commissioners to contract for a supply of water and for the disposal of sewage. This apparently envisions the situation where a system would be constructed by the county, but where the system would be dependent on a water supply or a sewage disposal facility operated by another government or by a private concern.

The paragraph raises two questions of interpretation: (1) What is a "system?" May a system be one line, from a water supply to a location needing water, or from a location generating sewage to a point of disposal? The authority to contract for a supply of water and for the disposal of sewage indicates that the system need not be self-sufficient. And to the person or persons served, so long as one line brings water or takes away sewage, it has all the earmarks of a "system." (2) May a county construct a system jointly with a municipality or private concern? As is the case under the 1955 Act, whether a joint construction arrangement, or other arrangement for sharing the costs of construction or operation, is permissible under the 1957 Act is open to question.

FINANCING WATER AND SEWER SYSTEMS

If a county wanted to construct a water system or sanitary sewer system under paragraph 46 of G.S. 153-9, what funds would be available to meet the required expenditures? The act has been the subject of one case reaching the North Carolina Supreme Court, and it may be well at this point to look at that case in some detail.

Ramsey v. Commissioners of Cleveland County, 246 N. C. 647, 100 S. E. 2nd 55 (1957), was a taxpayers' suit to restrain the issuance by Cleveland County of bonds in the amount of $310,000 to construct a water distribution system and bonds in the amount of $105,000 to construct a sanitary sewer system. The bonds were to be issued under the provisions of the County Finance Act. The bonds had been approved overwhelmingly by the voters of the county in an election called for the purpose. The taxpayers seeking to restrain the issuance of the bonds challenged the proposed bonds as not being for proper county purposes, as depriving the plaintiff taxpayers of their property without due process, as violating the equal protection of the laws provision of the United States Constitution, and as not being for a public purpose. The county supported the issuance of the bonds as being necessary for the health, safety, and welfare of the people of the county, and denied all of plaintiffs' challenges. The lower court found that lack of water and sewer jeopardized the health, safety, and welfare of the county and its inhabitants, and it upheld the issuance of the bonds as being for a proper county purpose, as not depriving the plaintiff taxpayers of their property without due process, as not violating the equal protection of the laws requirement, as being for a public purpose.

On appeal the Supreme Court upheld the lower court, and approved the issuance of the bonds. In its decision, the Supreme Court noted that the bonds had been approved by the voters of the county. The court assumed that the 1957 Act required that bonds for water and sewer systems be approved by the voters, whereas in fact the law imposed no such requirment. Moreover, certain portions of the court's opinion suggest that the court assumed the approval of

Subdivisions of the type pictured above, located some distance from a city, often have need for water and sewer services and may request aid from the county in providing these services.

the voters was obtained because of the provisions of Article VII, Section 7, North Carolina Constitution, which provides that debt incurred for non-necessary expenses be approved by the voters. Yet nothing in the facts of the case suggest that the bonds were submitted to the voters because of that section. The fact that the bonds were submitted to the approval of the voters may have stemmed from the requirements of Article V, Section 4, of the Constitution, requiring all debt to be approved by the voters if it exceeds two-thirds of the previous year's net debt reduction; the bonds proposed to be issued by Cleveland County for the water and sewer systems did in fact exceed two-thirds of the previous year's net debt reduction. In addition, the bonds may have been submitted to the voters by the board of county commisioners under the provisions of G.S. 153-78(e)(2), authorizing a board in its discretion to submit any such proposition to the voters, even though it is not required to be submitted by the Constitution. Therefore neither the 1957 Act nor the facts of the case support the court's assumption that the bonds were submitted to the voters under Article VII, Section 7.

In its opinion, the court upheld the power of the General Assembly to authorize counties to issue bonds to construct water and sewer systems, and therefore impliedly approved the expenditure of regular funds for such a purpose. The court rejected any suggestion that the construction of water and sewer systems was not for a public purpose, that this activity was not a proper county purpose, that it would deprive taxpayers of their property without due process, or that it would deny equal protection of the laws even though the water and sewer systems to be constructed would not serve every taxpayer and citizen of the county. While the court's language is ambiguous with regard to the question of whether expenditures for a water system or a sanitary sewer system are for a necessary expense, within the provisions of Article VII, Section 7, of the North Carolina Constitution, any comments by the court in this connection are not necessary to the decision, because the applicability of Article VII, Section 7, was not in issue. Therefore, whether these expenditures will be held in a proper case to be for a necessary expense, or for a non-necessary expense, is a matter for conjecture. Suffice it to say at this point that such expenditures are, and have been since 1903 and the case of *Fawcett v. Mt. Airy*, 134 N. C. 125, 45 S. E. 1029, a necessary expense for municipalities, and there is no reason to assume that a similar holding would not result in a proper county case.

With the *Cleveland County* case in mind, the following conclusions may be reached as to the sources of funds available to a county for the construction of water and sewer systems under the authority of the 1957 act:

(1) Surplus funds, or non-tax funds, may certainly be used. The opinion in the *Cleveland County* case leaves no doubt about this, since that case specifically upheld expenditures for water systems and sewer systems as being for a public purpose.

(2) General Fund taxes may perhaps be used. While some of the language in the *Cleveland County* case suggests the possibility that expenditures for water and sewer systems are for a non-necessary expense, this language was not necessary to the decision; and expenditures for water and sewer systems have long been held to be a necessary expense for cities and towns and hence a proper subject for the expenditure of municipal tax funds. Some of the language in the *Cleveland County* case suggests that, at the present time, water and sewer systems are just as necessary in unincorporated areas of a county, where only the county might provide water and sewer service, as they are in cities and towns, where the cities and towns themselves provide service. If this is so, it would seem that water and sewer expenditures are a necessary expense for a county, just as they clearly have been for 55 years for a city or a town. And if these expenditures are a necessary expense, General Fund taxes may be used.

(3) Bonds may be issued for water and sewer systems. Chapter 266, Session Laws of 1957, amends the County Finance Act specifically to authorize the issuance of bonds under that Act to acquire, construct, reconstruct, extend, and improve water and sewer systems, with the maximum maturities of such bonds being forty years [see G.S. 153-77(o) (p) and G.S. 153-80(i)]. Such bonds would, of course, have to be submitted to the approval of the voters, if the debt to be incurred exceeded two-thirds of the previous year's net debt reduction, under the limitations set forth in Article V, Section 4, North Carolina Constitution. But whether the bonds would have to be submitted to the voters under the necessary expense limitation contained in Articale VII, Section 7, is a matter that is uncertain at present. While some of the language in the *Cleveland County* case suggests that bonds would have to be submitted to the approval of the voters under the necessary expense limitation, as has previously been mentioned, this language is not necessary to the decision. As a practical matter, however, no recognized bond attorney would approve the issuance of the bonds, without a vote, until further word has been heard from our Supreme Court. Thus, for practical purposes, the bonds will have to be approved by the voters, unless and until the Supreme Court clarifies the necessary expense question.

SUMMARY

Counties generally have two kinds of authority to spend money to construct water and sewer facilities:

(1) They may spend surplus or non-tax funds to construct water and sewer lines from the corporate limits of a municipality in the county to communities or locations outside the corporate limits of the municipality, to serve large groups of employees living in or around factories and mills and to promote industrial purposes. Whether lines can be built to an area still undeveloped, in order to promote industrial purposes alone and where no employees live at the present time, is open to question. Moreover, the absence of any provision for operation, lease, or disposition, and the absence of any provision regarding joint construction, may present problems.

(2) Counties may acquire or construct water systems and sewer systems, extending and maintaining such systems as necessary, and they may ease such systems to municipalities and private concerns for operation. A county may use surplus funds or non-tax funds to defray the costs of acquisition, construction and maintenance; it may possibly use tax funds though that is open to question; and it may issue bonds with the approval of the voters. Whether it can in a proper case issue bonds without the approval of the voters is also open to question. Moreover, the absence of a definition of what constitutes a water or sewer "system," and the absence of any provision regarding joint construction, may present problems.

The authority granted to counties to build and operate water and sewer lines and systems is therefore broad, but there are sufficient limitations inherent in existing provisions to require careful study by any county considering the expenditure of money for these purposes. It will be advisable in each case, and with the circumstances of each proposal fully in mind, to examine the plan in the light of either or both of the existing provisions, to make sure that no doubt exists as to the authority of the county to incur the planned expenditure.

MARSHVILLE CITIZENS VOTE and GIVE

by **Alva W. Stewart***

What does a town do after its citizens have approved issuance of $265,000 in bonds to finance needed water improvements, then discovers that an additional $15,000 is needed before the improvements can be made?

In the case of Marshville, a town with 1500 inhabitants, the problem was solved by voluntary contributions from individuals and business firms. Using the $265,000 in bonds authorized by Marshville citizens in a May referendum plus the $15,000 in voluntary contributions raised in less than three months this summer and fall, town officials instructed Whitman and Pearson, a Raleigh engineering firm, to draft plans for construction of a dam and water treatment plant on sites approximately four miles east of the business district. Plans for the treatment plant and distribution system have already been drawn, and dam plans are expected to be completed before Christmas. Approval of the plans by the State Stream Sanitation Commission is expected in late December. Mayor R. Bruce Stegall expects construction work to begin early in 1960 and expresses the hope that the new water system will be fully operational 12 months later. The land for the treatment plant was donated by its owner, a prominent Marshville citizen.

The decision to solicit the $15,000 was reached at a mass meeting called by the town board of aldermen in July. Town attorney J. Max Thomas and Mayor Stegall explained to the 45 citizens in attendance why additional funds were needed for water improvements.

They pointed out that $265,000 was sufficient to finance the laying of a 6-inch water line but added that approximately $15,000 more would be needed to finance laying of an 8-inch line required by practically all industries for installation of a sprinkler system. The mayor and aldermen J. L. Bivens, F. M. Morgan, and B. H. Walters endorsed laying the 8-inch line as a means of luring industry to Marshville. At present the town has two small industries—a turkey processing plant and an asbestos plant.

Realizing that additional industry was needed to stimulate growth and put the town on a sounder economic footing, those present unanimously agreed to canvass the town for contributions to finance the improvements. To show they meant business, the 45 persons at the meeting pledged almost one-third of the $15,000 which engineers estimated would be needed to finance laying of the 8-inch line. The town was unable to issue more bonds because it had reached the limit imposed by State statute. The possibility of applying for Federal funds was ruled out because of the time element (improvements were needed as early as possible). Town officials have agreed to refund money contributed to donors on a pro-rata basis if the entire $15,000 is not used to finance the project.

At present Marshville obtains its water from neighboring Monroe, which pumps it from Lake Lee. When the dam and treatment plant are completed and water lines are laid, the town will have its own water supply. Source of the water supply will be Lanes Creek, a small body of water near the site of the treatment plant. The creek was recently approved as a source of water by the State Stream Sanitation Commission.

Preliminary discussions between officials of both municipalities have indicated that Marshville may contract to sell water to residents of Wingate, a college village five miles away, and to Peachland, another neighboring community, when the treatment plant begins operation.

A life-long resident of Marshville distinguished by his spirit of public service, Mayor Stegall foresees the long-range effects of water improvements in Marshville. "The effect of water improvements here probably won't be felt to any extent during my lifetime," the mayor says, "but the next generation of Marshvillians will profit immensely from these improvements."

---

*A native of Marshville, Mr. Stewart is currently a graduate student at the University of North Carolina.

THE ATTORNEY GENERAL RULES

ALCOHOLIC BEVERAGES

Resort Hotel Liquor-Lockers. Is an arrangement lawful whereby guests in a resort hotel in a "dry" county store their liquor, labeled so as to indicate ownership, in a locker maintained by the hotel?

To: Marcellus Buchanan, III

(A.G.) No. In a "dry" county, a person may (1) lawfully transport not in excess of one gallon of lawfully acquired taxpaid liquor in sealed containers to his private dwelling, if for his own personal use, and (2) keep in his private dwelling, if occupied and used by him as only a dwelling, an unlimited quantity of taxpaid liquor if for his own personal use and the use of his *bona fide* guests. Possession of liquor in a hotel liquor-locker is not possession by an individual in his private dwelling and is therefore unlawful. In addition, G.S. 18-15 makes it unlawful for any corporation, club, association or person to "keep or maintain . . . a clubroom or other place where intoxicating liquor is received, kept, or stored for distribution or division . . . to or among any other persons by any means whatever" or to "act as agents in . . . storing or keeping intoxicating liquor for any such purpose."

Possession and Transportation of Beer in Excess of 5 Gallons. The owner of a store licensed to retail beer in County "A" is apprehended in County "B" with 100 cases of beer bought in County "A." Is there a presumption that this person possessed this beer for the purposes of unlawful sale?

To: J. T. Lamm

(A.G.) Yes. Although G.S. 18-66 provides that individuals may purchase, transport and possess beer for their own use without restriction or regulation, G.S. 18-32(4) provides that the possession of more than five gallons of malt beverages at any one time is *prima facie* evidence of possession for the purposes of unlawful sale. We think that these provisions should be construed together.

Authority of ABC Officers in "Dry" County. Does an officer employed by a local ABC Board to enforce the prohibition laws retain his law enforcement powers when he goes into a "dry" county to assist federal officers to enforce federal law relating to non taxpaid liquor?

To: J. F. Ratledge

(A.G.) No. Although G.S. 18-45(o) provides that any law enforcement officer appointed by a county ABC Board shall have the same powers in assisting to enforce the prohibition laws outside his home county that he has in his home county when acting "upon request of the sheriff or other lawful officer in any other county," this is not the case when the ABC officer goes into another county voluntarily or upon request of a federal officer.

Possession of Less Than Five Gallons of Beer in a Combination Store and Dwelling. Is possession of one and one-half gallons of beer in the "store" part of a combination store and dwelling in a "dry" county illegal?

To: Paul T. Canady

(A.G.) Under G.S. 18-66, the purchase, transportation and possession of beer by individuals for their own use is permitted without restriction or regulation. Nothing else appearing, the mere possession of one and one-half gallons of beer in a soft drink cooler in a store does not constitute illegal possession. If it is possessed for the purpose of sale and the store owner is not licensed to sell it, this is a misdemeanor under G.S. 18-2, although the state does not have the benefit of the *prima facie* case provision of G.S. 18-32(4) unless there is possessed over 5 gallons of beer at any one time.

"Cooking Sherry". Is a cooking wine labeled "Cooking Sherry" and having a content of "alcohol 20% by volume" subject to the regulations and controls imposed by the General Statutes?

To: W. S. Hunt

(A.G.) Although the distributors of this product contend this is a flavoring sauce rather than an intoxicating beverage, it appears that, inasmuch as it contains more than 14% alcohol by volume, this "Cooking Sherry" is a "fortified wine" within the definition of G.S. 18-96 and is subject to the regulations imposed by law upon the distribution and sale of "fortified wines."

COUNTY FINANCES

Privilege License Tax on Sale of Fortified Wine. A county in which the ABC stores do not sell fortified wines would like to know what county license tax, if any, is required of a local merchant to sell fortified wine.

To: J. W. Dickson

(A.G.) G.S. 18-76 authorizes counties to levy a privilege tax on the sale of unfortified wine, but I find no statute authorizing counties to collect license taxes for the sale of fortified wines. This may have been simply an oversight on the part of the General Assembly. This office has heretofore expressed the opinion that municipalities have the authority to levy privilege license tax on retail dealers in fortified wines, under the general authority to levy and collect privilege taxes set out in G.S. 160-56; but as stated, counties would seem to have no such authority.

County Assistance in Constructing or Equipping a Municipal Jail and Fire Department. A town is constructing a municipal building to accommodate the town offices, jail, and fire department. The town has requested the board of county commissioners to pay a part of the cost of the construction for the equipment. Would the county be authorized to expend funds as requested?

To: Ben H. Neville

(A.G.) I have been unable to find any general statutory authority which would permit a county to assist a city in constructing jail facilities.

As to the fire department, G.S. 69-21 is rather broad in permitting a county to contract with a municipality with respect to fire protection, and you might be able to work out something on the fire department angle under the provisions of that section.

County and Municipal Expenditures or Industrial Development. A county and certain municipalities would like to expend nontax funds to attract industry but do not wish to operate under Chapter 158 of the General Statutes. Is there any other authority for such expenditures?

To: John R. Jenkins, Jr.

(A.G.) Chapter 158 of the General Statutes is the only provision made by general law for such expenditures. If you do not already have local enabling legislation, I think it would be necessary to secure the same.

County Appropriations Through Poor Fund for School Lunches. A board of county commissioners desires to make appropriations and expend pub-

lic funds, through the County Poor Fund and under the supervision of the Department of Public Welfare, for the payment of expenses for school lunches for indigent pupils. Would such appropriation and expenditures be proper?

To: H. C. Dockery

(A.G.) County commissioners are auothorized, among other things, G.S. 153-9 (23), to provide by tax for the maintenance, comfort and well-ordering of the poor and under the specific language of G.S. 153-52, "to do everything expedient for their comfort and well-ordering."

County welfare boards, which the State law directs that each of the several counties of the State shall have, are directed to "act in advisory capacity to county . . . authorities in developing policies and plans in dealing with . . . distribution of the poor funds, and with bettering social conditions generally . . ." G.S. 108-11, in part. The county superintendent of public welfare is directed by law "to have the care and supervision of indigent persons in the county and to administer funds provided by the county commissioners for such purposes." G.S. 108-14(3).

There are other provisions of law, unnecessary to cite here, of like tenor. Construing all of these statutes together, it is the opinion of this office that the appropriation of public funds by the county commissioners, as part of the County Poor Fund, for the purpose of providing assistance to indigent children in connection with the school lunch program, and to administer and supervise the plan through the county department of public welfare, under the direction of the superintendent of Public Welfare, is well within the authority of the law.

Contingency Appropriations. A county would like to make a contingency appropriation of 5 per cent of the total appropriations, to be carried in the general fund to provide for flexibility for unknown or unanticipated expenditures which may arise during the fiscal year. May such an appropriation be made?

To: Thomas J. White

(A.G.) In my opinion, there are several restrictions on making a five percent contingency appropriation. First, G.S. 153-120 itself makes certain restrictions in that such appropriation may be spent only upon authorization by resolution of the board, no appropriation shall be made necessitating the levy of a tax in excess of constitutional or statutory limits, and appropriations in each fund shall not exceed estimated revenues and surplus available to that fund. Second, I do not think a contingency appropriation would be proper in those areas where no contingency could arise as, for example, with respect to a fixed debt service obligation.

Reimbursement of County for Money Spent on an Inmate in the County Home. A county has received funds as reimbursement for money spent on an inmate in the county home. Should the money reimbursed to the county be credited to the general fund of the county or to the poor fund?

To: Arthur A. Bunn

(A.G.) Although there is no specific statute or case law governing this question, if the money expended on an indigent person comes out of a specific fund such as the county poor fund, it would seem that as a matter of policy any money reimbursed to the county should be returned to the fund from which the expenses were originally provided.

CRIMINAL LAW

Pharmacist's Substitution of Drugs. May a pharmacist in filling a prescription lawfully substitute a drug of a different trade name from that called for in the physician's prescription, providing the chemical composition of both drugs is the same?

To: Paul A. Johnston

(A.G.) G.S. 90-76 provides, among other things, that it shall be a misdemeanor punishable by fine or imprisonment in the discretion of the court for "Any person . . . engaged in the business of . . . dispensing physician's prescriptions . . . [to] deliver to any person a drug, medicine, chemical or preparation for medicinal use . . . other or different from the drug, medicine, chemical or preparation for medicinal use . . . called for in a physician's prescription." Admitting the chemical analysis to be the same, the drugs could still be different in terms of method of production, plant cleanliness, and degree of expertness in producing the medicine. This office is not prepared to advise a pharmacist that he would not be guilty of violating G.S. 90-76 if he substituted another trade name drug for the trade name called for in the prescription.

Fortunetelling. Is it unlawful to advertise a place of prayer and to pray with the patrons concerning their present problems and illnesses?

To: E. Ray Etheridge

(A.G.) If the individual does not practice fortunetelling, palmistry, phrenology or clairvoyance or in any manner pretend to tell the future, present, or past of the client, but merely prays with her clients concerning their burdens and problems, she is not practicing a craft of a kind similar to fortunetelling, palmistry, phrenology or clairvoyance in violation of G.S. 14-401.5.

Definition of Lottery.

To: John S. Lieb

(A.G.) Regardless of whether the proceeds from a contest or game are to be used for civic, religious, or educational purposes, G.S. 14-290 is violated if (1) a prize is given, *and* (2) the participants part with consideration, *and* (3) the winner is to be determined by chance. If there is an element of skill involved in winning and this predominates over the element of chance, the plan, game, scheme, or contest is *not* a lottery in violation of the statute.

CRIMINAL PROCEDURE

Description in Search Warrant of Place to be Searched. A search warrant is issued for the search of "R's" house, specifically describing its location. The language of the warrant purports to authorize as well the search of "all automobiles on said premises." May the officers lawfully search the automobile of a visitor to "R's" house?

To: Earl W. Vaughn

(A.G.) Search warrants must adequately identify the places to be searched and the things to be seized. Although the description in this warrant probably would justify a search of automobiles parked on the premises and owned by "R," the resident of the house, it is very unlikely that this language would justify the search of any and every automobile that might happen to come upon the premises in question.

Reading Warrant before Execution; Amount of Force that may be Used. A sheriff, armed with a valid search warrant, knocks on the door of the house to be searched. Two small children answer the door, state that their father is not at home, and close the door. The sheriff has reason to believe that the father is in the house. 1. May the sheriff force open the door, enter and search the house? 2. Is the search invalid because the warrant was not read to the occupants of the house prior to the search?

To: Monroe Holland

(A.G.) 1. When the sheriff of a county has a valid search warrant, he has a right to enter the house of the defendant peacefully if he can but forcibly if he must. It is the custom of officers, when someone is at home, to make known their identification and state their business. If they are not admitted at once, then in my opinion they have a right to forcibly break down the door and enter the premises. They do not have to wait until the persons in the house make away with or destroy illegal whiskey or the illegal articles for which they are searching.

2. There is no statute requiring that the search warrant be read. It is the custom of officers to either read the warrant to the person at the home or present at the home and apparently in possession of the premises if the person will permit him to do so, or to simply state the substance of the warrant; however, the officer does not have to run the risk of permitting the destruction of the property to be searched for in order to read or state the substance of the warrant. Under the circumstances, he may lawfully search at once without any delay if he reasonably believes this course of action to be necessary.

Collection of Fees on Unserved Warrant. Is the office of superior court clerk entitled to fees for certifying and affixing seal to a JP's arrest warrant for parking violation so as to give it statewide effect, even though the warrant has never been served?

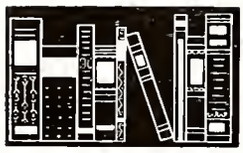
To: Willie F. Everhart

(A.G.) No. Fees of officers in criminal cases are not demandable in advance. If the warrant has not been served, there is no one against whom the costs can be taxed unless the JP who issued the warrant should find the prosecutor liable for costs, under G.S. 6-49 (which is unlikely in a parking-ticket case).

Arrest Fees when Citation Issued. A highway patrolman issues a citation to a motorist and later obtains an arrest warrant which is read to the defendant when he appears in court in response to the citation. May the court include in the bill of costs the highway patrol arrest or process fee?

To: S. C. Tillman

(A.G.) Yes. Although the defendant is actually not taken into custody by the patrolman in such a case, issuing a citation to the motorist would seem to be service of legal process. If he refuses to accept the citation, he may be arrested by the patrolman.



BOOKS OF CURRENT INTEREST

POLICE WORK WITH JUVENILES, *by John P. Kenney and Dan G. Pursuit. Springfield, Illinois: Charles C. Thomas, Publisher, 301-327 E. Lawrence Avenue, 1959. 383 pp. $9.50.*

This book offers a distinct contribution to police literature and all police departments planning to (1) initiate a juvenile unit, (2) expand an existing one, or (3) re-evaluate a total juvenile program should have access to it. August Vollmer says in the *Foreword*, "*Police Work With Juveniles* should be read by all policemen who are conscientious in their desire to serve the public honestly and faithfully. The book ought to be used as a text in all police training schools and in colleges offering pre-service police training. It can also be profitably employed by civil service examiners in preparing police entrance and promotional examinations."

THE PAROLE PROCESS, *by G. I. Giardini. Springfield, Illinois: Charles C. Thomas, Publisher, 301-327 E. Lawrence Avenue, 1959. 458 pp. $12.50.*

As a segment of the correctional process, parole has attained status equal in importance to the role played by the police, the courts, and penal and correctional institutions. Currently, parole administrators, parole organizations, and schools of higher learning are seeking material that can be used in the training of correctional workers. This book was written in the hope that it might contribute to the filling of this need. The author has related the contents of this book to the three main aspects of parole service: (1) preparation of prisoners for parole, (2) selection for parole, and (3) supervision after release.

LEGAL ASPECTS OF CONSTRUCTION, *by Walter C. Sadler. New York: McGraw-Hill Book Co., Inc., 330 W. 42nd St., 1959. 378 pp. $8.50.*

This is a relatively short statement of the rights and liabilities of the various parties involved in construction—the owner, the financier, the designers, and the contractors. It covers the contracting business in detail, ranging from licensing, mechanics' liens, and insurance, to various problems of labor relations. It examines the liabilities of owner, architect, engineer, and contractor which might result from errors in construction. And it goes into great detail on the possible liability to adjoining property owners from failure to use due care in construction. In large measure the book relies on factual descriptions of actual court decisions to illustrate its points.

URBAN PROBLEMS AND TECHNIQUES: A FORUM ON TECHNICAL PROBLEMS IN AN EXPANDING URBAN SOCIETY (Number 1), *edited by Perry L. Norton. Lexington, Mass.: Chandler-Davis Publishing Co., P.O. Box 65, 1959. 249 pp. $3.65.*

This is a collection (apparently the first of a series) of twelve more-or-less unrelated essays on particular aspects of city planning. A wide range of subject-matter is covered—from planning for annexations, through recreation planning and the use of industrial performance standards in zoning, to the handling of trailers and trailer parks under the zoning ordinance. Although the essays are uneven in quality, several will be found useful by the practicing planner.

TECHNOLOGY IN AMERICAN WATER DEVELOPMENT, *by Edward A. Ackerman and George O. G. Löf. Baltimore: Johns Hopkins Press, 1959. 725 pp. $10.00.*

This book is an early product of the research foundation, Resources for the Future, Inc., with which Ackerman and Löf were associated during the work's preparation. It is a major contribution to the literature available to the general reader concerning the development of water resources. The authors have left no stone unturned in their efforts to portray the consequences for water resources development of past technology, and the directions of present and emerging technology. They deal comprehensively with technical events which increase and decrease the demand for water, as well as those which extend both the services afforded by a given supply and the physical range of water recovery, and with the promoting of scale economies in such fields as dam construction and electric transmission. A thorough survey is included of emerging techniques of weather modification, desalinization, ground water discovery and evaluation, industrial water re-use and re-cycling, and irri-

gation water budgeting as well as pertinent developments in thermal power generation and peaceful uses of atomic energy. The later chapters are devoted to an examination and evaluation of administrative and organizational response to technologic change, with particular emphasis on federal water agencies. It is to the authors' especial credit that they have produced an exceptionally readable volume, with no perceptible sacrifice in scholarly standards.

REAL ESTATE PRINCIPLES AND PRACTICES, *by Preston Martin. New York 11: Macmillan Co., 60 Fifth Ave., 1959. 434 pp. $6.75.*

This is a college text, written for a course on real estate. As such, it offers a good basic picture of urban land development processes, procedures, and problems not only to persons planning to enter the real estate business but also to city planners and other local officials. It is written in a clear and simple manner and will not be found difficult by the reader entering the field for the first time.

CITIES AND ATOMIC ENERGY, *by Charles S. Rhyne, Brice W. Rhyne, and Charles A. Dukes, Jr. Washington 6: National Institute of Municipal Law Officers, 839 17th St., N.W., 1959. 53 pp. $3.00.*

The purpose of this report is to assist municipalities in developing ideas and formulating policies to meet intelligently the demands of the peaceful atomic era. The major part of the report concerns itself with what city officials have done, are doing, or plan to do in the future, to obtain the greatest use and benefits for their inhabitants from this new source of energy. A substantial section of the report is devoted to the benefits which are being derived by city inhabitants from the commercial use of radioactive isotopes in industry, medicine, and agriculture. A review of federal regulatory powers and activities, the federal-state jurisdictional question, and the state legislation and state regulations which have been adopted to cope with this new atomic era is also included.

THE SUBURBAN COMMUNITY, *edited by William M. Dobriner. New York: G. P. Putnam's Sons, 1958. 416 pp. $6.50.*

While primarily sociological in orientation, this collection of two dozen essays offers something of interest for almost everyone concerned with urban growth and the suburbs. Part I, "The Growth of the Suburbs," contains analyses of the forces making for suburbanization, the extent of suburbanization, its demographic character, and implications for social theory. Part II is devoted to "The Sociology of the Suburbs." Part III, "The Social Organization of the Suburbs," contains articles on the structure and function of the family, the economy, and political organization in the suburban setting. Part IV, "Suburban Life Styles," includes (among other topics) essays on patterns of leisure in the suburbs, and a case study of Levittown as one form of contemporary suburb. Part V, "Some Suburban Problems," includes discussions of education, transport services, racial relations, and physical planning, and Part VI, "Suburban Prospectives," is devoted to an evaluation of the effects of suburbanization on American values and American society.

THE HUMAN SIDE OF URBAN RENEWAL, *by Martin Millspaugh and Gurney Breckenfeld. Baltimore 2: Fight Blight, Inc., Room 502, 32 South St., 1958. 233 pp. $3.50.*

This is an extremely competent, highly interesting study of rehabilitation programs in Baltimore, Miami, New Orleans, and Chicago—of their accomplishments, failures, and lessons for others. It brings out, in a way that no other study has done, the extraordinarily complex problems which have confronted groups seeking to cure our slum problems, and in the process brushes away much wishful thinking. This book certainly merits a place in the basic library of urban renewal. No official should undertake a renewal program without thoroughly digesting its contents.

PARTIES AND POLITICS: AN INSTITUTIONAL AND BEHAVIORAL APPROACH, *by Avery Leiserson. New York 22: Alfred A. Knopf, Inc., 501 Madison Ave., 1958. 379 pp. $5.75.*

THE AMERICAN FEDERAL GOVERNMENT, *by Max Beloff. New York 16: Oxford University Press, 417 Fifth Avenue, 1959. 213 pp. $4.50.*

In a period of international crisis, an eminent British scholar has written a thought-provoking study of the American government as it functions under the stresses and strains of world leadership. This is no usual account of America's political and constitutional structure, but rather a critical appraisal by an expert who is deeply concerned with America's role as leader of the Western Alliance. After examining the general nature of the political system and the extent to which Americans still work within the confines of a written constitution, the author analyzes the present position of political parties, Congress, the administration, and the President in what he regards as an over-personalized system of government.

THE AMERICAN CONSTITUTION, *by C. Herman Pritchett, New York 36: McGraw-Hill Book Company, Inc., 330 W. 42d St., 1959. 719 pp. $7.95.*

This book is a study of the Constitution as the operative charter of the American governmental system. Its purpose is to explain the meaning and significance which the major provisions of the Constitution have come to have as a result of Supreme Court interpretations, executive and legislative action, and custom and usage. Citizens interested in public affairs and college students in political science courses will find that a legal background is not necessary in order to understand this excellent study of the history and current meaning of the Constitution as interpreted by the Supreme Court.

Credits: The cover photograph and those on page seven are by the Photo Lab., U. N. C. Communication Center. Photograph on inside front cover is by Tom Norris; on page 11 by Robert Stipe. Chart on page two is by Charles Nakamura. Art work and layout by Joyce Kachergis.

COMING SCHOOLS

Some of the Schools and Conferences to be Held at the Institute of Government in the Next Few Weeks

NORTH CAROLINA ASSOCIATION OF ASSESSING OFFICERS CONFERENCE

November 23-25, 1959

BASIC CITY PLANNING METHODS AND TECHNIQUES

November 29-December 12, 1959

WINTER CONFERENCE OF THE LICENSE AND THEFT ENFORCEMENT DIVISION, MOTOR VEHICLE DEPARTMENT

December 1-4, 1959

NORTH CAROLINA TRAINING-IN-ADMINISTRATIVE-MANAGEMENT PROGRAM, UNITED STATES DEPARTMENT OF AGRICULTURE

December 7-11, 1959

TRAINING SCHOOL FOR DRIVER IMPROVEMENT REPRESENTATIVES

January 17-23, 1960

ADVANCED IN-SERVICE SCHOOL FOR PERSONNEL OF THE WILDLIFE PROTECTION DIVISION, N. C. WILDLIFE RESOURCES COMMISSION

February 14-20, 1960