# POPULAR OCTOBER 1960 GOVERNMENT



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# POPULAR GOVERNMENT

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The Public Library of Charlotte The Public Library of Charlotte and Mecklenburg county was completed in the Fall of 1956. It was designed by A. G. Odell, Jr.; interiors were planned by Martin Van Buren. The building was constructed and equipped at  $\tau$  cost of \$1,097,676.23.

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## THE CHARLOTTE-MECKLENBURG LIBRARIES

#### by Catherine Maybury Librarian, Institute of Government

One of the busiest buildings in downtown Charlotte is the Public Library of Charlotte and Mecklenburg County. In addition to its industry, the Library enjoys another distinction—it is housed in one of the most beautiful and functional buildings in the State of North Carolina. This is something of a phenomenon in an age when many libraries are still housed in mausoleum-like structures and where no smoking and quiet signs, in addition to stern-eyed librarians, greet the library user on all sides.

Why were Charlotte and Mecklenburg County able to do so well what many other cities and counties have not been able to do at all or on a much less grand scale? Although the answer lies in many places, perhaps most of the credit goes to a citizenry who finally demanded—and got—the best. The best, however, came after fifty years of inadequate housing and a meager collection—and after repeated attempts on the part of many people to correct what they considered to be a deplorable situation.

Perhaps a brief history of the efforts of the people of Charlotte and Mecklenburg to build for themselves a library will give added incentive to cthers throughout the State. It is not advocated that these efforts be used as a guide-the growth of the Library was a "hit and miss," "trial and error" affair at best, sustained throughout, however, by a determination of the people to have the best possible library facilities. If the example of Charlotte and Mecklenburg County does nothing else for the remainder of the State, it has proved that good libraries can be had in North Carolina.

The Public Library of Charlotte and Mecklenburg County had its origin, like many others, in a private subscription library, established by the Charlotte Literary and Library Association in 1891. For fifty cents a month, anyone who chose to pay the fee was eligible to borrow books. With the idea of increasing the usefulness of the Library, the Directors of the Library, at a joint meeting with the School

Commissioners, held January 29, 1901, agreed to transfer the Library to the School Commissioners. The Library was thereafter known as the Charlotte Public School Library.1 In the same year, Andrew Carnegie was approached concerning the gift of a library building to which he agreed, provided that the City would furnish a suitable site and appropriate \$2500 annually for its maintenance. The General Assembly then authorized the City of Charlotte to appropriate not less than two thousand dollars and not more than twenty-five hundred dollars annually for the purpose of maintaining a free library, the amount so appropriated to be paid to the Board of School Commissioners, provided that a vote on the question should be had.<sup>2</sup> The authorized vote

1. [Flournoy, Martha W.] A Short History of the Public Library of Charlotte and Mecklenburg County, Charlotte, N. C. [Charlotte: Public Library of Charlotte and Mecklenburg County, 1951], p. 1 [Note: Although citations to A Short History are given only for quoted portions of the study, the author of this article relied heavily upon the work and is grateful for the help it gave her.]

2. 1901 Priv. Laws, c. 432

was held and appropriations were approved May 6, 1901, to the extent of \$2500, \$1250 to be appropriated by the City and a like amount by the Board of School Commissioners.

In 1903, the Library was incorporated by the General Assembly. It could sue and be sued, have a common seal, acquire, receive and hold real estate in the City of Charlotte, contract and be contracted with, and "make such rules, regulations and by-laws for its government and the exercise of its powers as in their [the incorporators] discretion they may think necessary."<sup>2</sup>

Repeated efforts in the following years to add financial support to the Library came to naught. In 1907, in 1909, in 1911, and again in 1913 the General Assembly authorized the holding of votes for the tax support of the Library but in all cases the vote was either not held or did not pass.

The city school libraries were made branches of the public library in 1919 and sometime later the county school libraries were also made branches. The Library began calling 'tself the Charlotte Public Library in 1925, although

#### 3. 1903 Priv. Laws, c. 16

Charging desk, ground floor, front. Records of all books checked out are kept in the steel charging trucks.



Photograph by Library Bureau

no authorization for it to do so was given.4

In 1929, the Charlotte Public Library entered into an agreement with the Rosenwald Corporation and as a result received \$80,000 which was to be spread over a five year period. "That year saw the beginning of an extension of library services throughout Mecklenburg County."5 By 1931, five branches and thirty-seven stations in schools throughout the County had been established. The Library was continuing to grow.

However, during the next decade. affairs took a turn for the worse. The City and County appropriations were drastically cut, causing the discontinuance of the Rosenwald aid. The buildings were in a sad state of disrepair. Councilman Hudson reported that "he had inspected the buildings of the Charlotte Public Library and found them to be in a deplorable condition; that the building on Tryon Street probably was in the worst condition of any building in the City; that the wiring is bad and the building in general disrepair."6 Walls were cracking, the plaster falling, and the roof leaked extensively.

· In 1938, the Charlotte Public Library suffered its most devastating blow-as did all public libraries throughout the State. The North Carolina Supreme Ceurt in the case of Twining v. Wilmington<sup>7</sup> stated that a public library was not considered to be a necessary

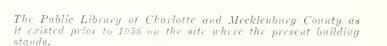
6. H. I. McDougle, Public Library of Charlotte & Mecklenburg County: Le gal History [Typewritten] In the files of the Public Library of Charlotte and Mecklenburg County.

7. 214 N.C. 655

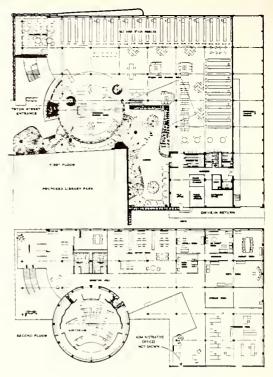
expense and that therefore no tax funds could be appropriated without a vote of the people. This meant that the only legal appropriation being made to the Charlotte Public Library was the \$2500 authorized in 1901 and that all other monies appropriated by both City and County were unlawful. As a result, an act to provide a special annual tax levy for Mecklenburg County for the maintenance and support of public libraries was passed by the 1939 legislature.<sup>5</sup> Also, Charlotte's new city charter, enacted by the same legislature, gave the City the power to levy a tax for the maintenance and support of the Library in an amount "that is now or may hereafter be approved by a vote of the people . . . "9 "Through misunderstanding by the people, insufficient publicity of the real issue, and the fact that the election was held in a summer month, and was a vote against the registration, the measure failed to carry and the Charlotte Public Library closed its doors on the evening of June 30, 1939."19 However, in 1940, the voters of Mecklenburg County, having been without public library service for almost a year, overwhelmingly voted a special annual tax not to exceed four cents on the one hundred dollars and the Library removed the padlocks and re-opened on July 1, 1940.

In 1945, a bond election for the issuance of \$600,000 each by the City and the County and a tax vote for the levy of not more than five cents by both the City and County were authorized by the General Assembly<sup>11</sup> but the vote failed. In that year, also,

- 8. 1939 Pub.Lcc. Laws, c.349
- 9. 1939 Pub-Loc. Laws, c.366
- 10. Flournoy, *op. cit.*, p.31 11. 1945 Sess. Laws, c.519







Floor plan of the Public Library of Charlotte and Meeklenburg County, showing first and second floors.

the City Charter was amended, changing the name of the Library to the Public Library of Charlotte and Mecklenburg County.12

In 1947, the situation took a turn for the better. The General Assembly, in an act authorizing a liquor referendum in Mecklenburg County,13 authorized the allocation of 5 per cent of the net profits of the ABC stores to the Library, and in 1948 the Library began receiving this much-needed boost to its budget.

Another bond election was authorized in 194914 for the purpose of erecting and equipping public library buildings for the City and County and in December 1952 this 1.6 million dollar election carried, with the City appropriating \$800,000 and the County appropriating a like sum. The battle was not yet won, however. In a test action recommended by the City's bond attorney, a taxpayer of the City of Charlotte and the County of Mecklenburg sought "to restrain by permanent injunction the City and County from issuing bonds for the purpose of erecting and equipping public library buildings for the City and County and acquiring such real and personal property as may be useful or necessary for such purposes, and levying and collecting a tax for said bonds in the City for the bonds of the City and a tax in the County, including the City, for the bonds of the county."15 The North

- 14. 1949 Sess. Laws, c.1034

15. Jamison v. Charlotte, 239 N.C. 682

<sup>4.</sup> Flournoy, op. cit., p. 3

<sup>5.</sup> Ibid.

 <sup>12. 1945</sup> Sess. Laws, c.253
 13. 1947 Sess. Laws, c.835



Flotograph by Tom Franklin's

Pineville Branch, Pineville, opened May 10, 1956.

South Branch, 1316 Queens Road, Charlotte, opened October 1956.

Carolina Supreme Court was faced with the following issues, among others:

- (1) Was the submission to the voters in the City of Charlotte and the submission to the voters in the County of Mecklenburg outside of the City of the single question of issuing "City and County Library Bonds" a combination of two distinct and unrelated propositions un violation of Sec.4, Art.V, as amended, and Sec.7 Art.VII, as amended, of the State Constitution?
- (2) Would the issuance of \$800,000.00 Library bonds of the County of Mecklenburg and of a similar amount of Library Bonds of the City of Charlotte result in a lack of uniformity of taxation as between the taxpayers in the County and the taxpayers in the City in violation of Sec.<sup>3</sup> Art.V of the State Constitution?
- (3) Would the issuance of \$800,000.00 Library Bonds of the County of Mecklenburg violate Sec. 3 Art.V, as amended, and Sec.2 Art.VII of the State Constitution as not being for public purposes?
- (4) Would the issuance of a similar amount of Library Bonds of the City of Charlotte violate Sec.3 Art.V, as amended, of the State Constitution as not being for public purposes?

The Court in answer to these questions said

- (1) The question presented to the voters, i.e., issuance of bonds by the City and issuance of bonds by the County, was not a combination of two distinct and unrelated propositions in violation of the Constitution, but was in fact a single proposition so related and united as to form a rounded whole;
- (2) The issuance of \$800,000 in bonds by the City and the issuance of a like amount by the County was not in violation of the constitutional provision relating to uniformity of taxation. Although the Supreme Court had held that double taxation, however odious to the taxpayer, is prohibited neither by the state constitution nor the federal constitution, in this case there was no double taxation "for one tax will be imposed by the City of Charlotte and another by the County of Mecklenburg . . ."
- (3) and (4) The issuance of bonds by both the city and county for library purposes, although not for a necessary expense "is for 'a public purpose' under Art.V, Section 3, as amended, of our Constitution, and the people have said so in emphatic tones."

Fifty years of struggle had finally paid off. The main building was completed and formally opened on November 19, 1956. Nine branch library buildings were planned for Charlotte and Mecklenburg County from the same bond funds, and eight of these branch buildings have been completed to date.

Today, the Public Library of Charlotte and Mecklenburg County is a corporate body originally organized by special act in 1903 and continued by the Charlotte City Charter of 1939. The Library's legal relationship to the City and the County is somewhat ambiguous, although it operates effectively under the arrangement. It is fi nanced primarily by the County (the County's current appropriation is \$318,-700 based on a tax rate of .0354 on the \$100, which is 75 per cent of the Library's current operating budget and in addition, the Library's Board of Trustees appropriated \$90,-250 from the ABC profits fund which is 22 per cent of the current budget). The City makes a flat annual contribution (\$2,500, or .6 per cent of the budget). The remaining 2.4 per cent comes from state and federal aid. The 1960-61 budget is \$416,300.

REVENUES OF THE PUBLIC LIBRARY OF CHARLOTTE AND MECKLENBURG COUNTY

Year	ABC profits	County Appropriation	Meck. County Tax Rate for Library	City Appropriation	State_aid	Federal aid	Total
1940-41	\$ 0.00	\$ 37.937.42	.030	\$ 0.00	\$ 0.00	\$ 0.00	8
1941 - 42	0,00	43,943.50	.032	0.00	1,223.35	0,00	45,166.85
1942-43	0.00	53,622.72	.033	0.00	1,240.11	0.00	54,862.83
1943-44	0.00	62,526.00	.032	0,00	1,534.35	0.00	64,060.35
1044-45	0.00	66,606.00	.035	0.00	1,492.91	0.00	68,098.91
1945 - 46	0.00	71,991.00	.037	0.00	1,947.50	0.00	73,938.50
1946-47	0.09	75,580.00	,040	0.00	1,933,00	0.00	77,513.00
1947-18	0.00	89,997,25	.0.10	2500.00	2,962.05	0.00	95,459.35
1948-49	67,500.00	93,857.00	.040	2500.00	2,882.00	0.00	166,739.00
1949-50	75,000.00	103,509.00	.038	2500.00	3,586,95	0.00	184,586.95
1050-51	70,500.00	114,495.00	.039	2500.00	3,240.00	0.00	190,735.00
1951-52	58,000.00	121,107.40	.036	2500,00	5,604.55	0,00	182,211.95
1952-53	54,030,00	133,550.00	.024*	2500.00	5,742.22	0,00	195,822.22
1953 - 54	68,000.00	137, 157.26	.026	2500,00	7,297.12	0.00	214,954.38
1954 - 55	61,737.50	147,127.11	.028	2500.00	7,099.55	0.00	221,464.14
1955-56	72,500.00	174,314.98	.029	2500.00	6,364.08	0.00	255,679.06
1956-57	75,500.00	206,200,07	.031	2500.00	6,640,93	0.00	290,841.00
1957-58	68,900.00	236,489.69	.035	2500.00	7,468.31	4,000.00	319,358.00
1958-59	85,650,00	258,539.00	.032	2500.00	6,000.00	4,000,00	356,689.00
1959-60	69,015,00	281,100.00	.030	2500.00	7,118.42	4,000,00	363,763.42
1960-61	90,250.00	318,700.00	.035	2500.00	6,000.00(est)	3,400.00	420,850.00

\* Property revaluation effective in 1951-52 increased property values for tax purposes and decreased tax rates

The Library is governed by a board of seven trustees, two of whom are appointed by the Mayor of Charlotte and two by the Chairman of the County Board of Commissioners and the remaining three trustees consisting of the Chairman of the Board of County Commissioners, the Mayor of the City of Charlotte, and the Superintendent of the Mecklenburg County Schools.

In addition to the main building, there are eleven branches (one yet to be constructed) and two mobile libraries. Although title to the Library property is vested in the Library Board of Trustees. the Board is required to obtain the approval of both the Board of County Commissioners and the City Council before selling, encumbering, conveying, or otherwise disposing of it.

The Library's collection consists of almost 300,000 books, including outstanding collections of business services, government documents, and books on religion, textiles, international relations and human relations among others: 19 newspapers; 761 periodicals; over 300 sound motion pictures; 1500 record albums, including classical music, foreign language records, plays, children's music, and documentary records; and 60 framed prints for hanging in homes and offices.

Special services offered by the Library include drive-in windows for the return of books; a projection magnifier reading machine for visually haudicapped; the distribution to local officials of a monthly list of materials on government which have been received (which is now being reprinted in *The Municipal South*); an auditorium and four conference rooms for free use by educational, cultural, civic, and governmental groups; a recorded telephone answering device to advise the caller when the Library will be open for telephone service; a list of selected sources of business information which can be found in the Library: broadcasts throughout certain sections of the Library of selected television and radio programs; and many others.

Who should take credit for all of this? In addition to the citizens of Charlotte and Mecklenburg County, who recognized a need and taxed themselves to meet it. the following persons most deserve the plaudits, for they were tireless workers who have accomplished perhaps more than any other of their kind throughout the State:

J. A. Mayo, Chairman of Board of Trustees, Mar. 25, 1935 to date;

James R. Bryant, Trustee, Mar. 11, 1935 to date;

Dr. Roy B. McKnight, Trustee, July 1, 1946 to date;

Mrs. B. S. Howell, Trustee, July 21, 1941 to date;

Dr. E. H. Garinger, Trustee, July 1, 1949 to date;

S. Y. McAden, Trustee, Dec. 2, 1940 to date;

James S. Smith, Trustee, May, 1957 to date;

J. W. Wilson, Trustee, Feb. 21, 1944-1960<sup>16</sup>;

16. Mr. Wilson was Superintendent of the Mecklenburg County Schools until they were consolidated with the Charlotte City Schools July 1, 1960. Hoyt R. Galvin, Director of Libraries, Nov. 1, 1940 to date.

Again the question, why is it we have in the State only one public library which enjoys a national reputation? Is there anything special or dif ferent about Mecklenburg County and the people who reside in it? While it is true that Mecklenburg has a higher per capita income than any other county in the State,17 it is also true that Mecklenburg is spending a larger percentatge of this per capita income for library service than any other county. For instance, of the other five counties with the highest per capita incomes in the State (Forsyth, Guilford, New Hanover, Durham, and Wake), not one comes close to making the same proportionate effort as does Mecklenburg.

Is there any other factor which might account for the expenditure of close to one-half a million dollars this year for the support of a public library in North Carolina? Do the people in Mecklenburg County need better library service than those elsewhere? Are they more "libraryminded" than the citizens of Forsyth, Guilford, New Hanover, Durham or Wake? Perhaps few counties in North Carolina need facilities and services on the same scale as does Mecklenburg. but how many counties or cities are meeting the needs they presently face? These are questions which other counties and cities in North Carolina ought to answer.

17. North Carolina. Department of Tax Research, Estimates of Personal Income in North Carolina, by County, for 1958 (Raleigh, 1960)



#### HOYT R. GALVIN

Hovt Galvin became Director of Libraries in Charlotte and Mecklenburg County on November 1, 1940. Prior to this position he was reference librarian, TVA Technical Library; order librarian, TVA Technical Library; and Director, Regional Library Service, Huntsville, Alabama. He is a graduate of Simpson College, Indianapolis, Iowa, and the University of Illinois Library School. He has served as president of the Alabama Library Association; chairman of the Alabama State Library Board; president of the North Carolina Library Association; president of the Charlotte Rotary Club; chairman of the Buildings and Architecture Committee of the American Library Association; president of the North Carolina Adult Education Association; chairman of the Education Committee, Charlotte Chamber of Commerce; chairman of the Historical Committee, Charlotte Chamber of Commerce; and is currently serving as chairman of the Council on Librarianship, a joint recruiting project of the N. C. Library Association and the American Library Association. As of October 15, 1960, he will become Vice-President and President-Elect of the Southeastern Library Association. In addition, he has served as library building consultant for the public libraries of Augusta, Ga., Huntsville, Ala., Monltrie, Ga., Waco, Tex., Moline, Ill., Gaston County, N. C. and Savannah, Ga. He is the anthor of "Films in Public Libraries" (Library Journal, November 15, 1947, part II) and The Small Public Library Building [with Martin Van Buren] (UNESCO, 1959), among other notable titles.



## LOCAL LEGISLATION - WHERE IS IT?

#### Introduction

Over the years the major portion of bills passed by the North Carolina Legislature have been local or private acts, most of them concerning county and city government. During the years 1788 through 1947, 28,813 out of 49,565 bills ratified, or 58 per cent, were local or private in nature, and there is no reason to believe that the ratio has changed since 1947. In fact, in the 1959 Legislature, 911 out of 1,403 bills ratified, or 65 per cent, were local or private.

Aside from any problems which this creates concerning demands upon the time of the Legislature,<sup>1</sup> another and different sort of problem arises. This is the simple, mechanical one of where and how the people affected are to find these local or private acts once they "go on the books." Although the problem affects all local government officials and practicing attorneys, it is particularly acute for county attorneys who need to know at every turn whether local laws of 25 or 50 years ago control a current problem.

At present, acts or amendments are codified in the North Carolina General Statutes only when they affect ten or more counties. Modifications of codified acts are noted in the statute annotations when the modification affects less than ten counties, but no indication as to their nature is given. However, local legislation which does not expressly state that it modifies a codified law is not noted in the General Statutes.

1. See *Popular Government*, Feb.-March 1949, for a study of this area.

There are, of course, the sessional laws which contain all the acts adopted by each legislative session, and the assumption is often made that all one has to do to discover all the local or private legislation in which he is interested is to plow through the indexes in these volumes. To determine how far this is true, a pilot study was undertaken in which an attempt was made to find all the local or private laws affecting New Hanover County and its municipalities. New Hanover, created in 1729, and Wilmington, created in 1734, provided an excellent cross section of private and local legislation from the earliest legislative sessions to the present. Following is a report of the findings and conclusions drawn therefrom.

#### Laws Prior to 1791

The best sources for laws passed by the Colonial and State Legislatures in the years before 1791 are volumes 23, 24, and 25 of The State Records of North Carolina, issued in the years 1905 and 1906,2 which are part of a 27-volume series entitled Colonial and State Records of North Carolina. The three volumes contain all the laws for the period mentioned which were extant in 1905. Basic sources were the State Archives in Raleigh and the British Archives in London. Chief Justice Walter Clark, editor of the three volumes, notes with satisfaction that the collection contains a nearly com-



by Marion W. Benfield, Jr. Assistant Director Institute of Government

October, 1960

<sup>2.</sup> Walter Clark, ed., The State Records of North Carolina, vols. 23-25 (Goldsboro, N. C.: Nash Brothers, 1905-06)

plete body of the laws from 1715 through 1790. A supplement at the end of volume 25 contains laws which were not available at the time the first volumes went to press.

The index to these volumes is extensive and seems to be excellent, at least so far as a search for laws concerning particular cities or counties is concerned. It appears that an index entry was made every time the name of a city or county was mentioned or appeared in the text for any reason.

Laws of North Carolina, a compilation of laws in effect in 1791, which was made by James Iredell, contains local legislation only if it changes county boundaries, and is far inferior to the Clark volumes as to public laws, in spite of the reputation of its editor, who, at the time of the compilation, was an associate justice of the United States Supreme Court. The index 1s topical only.

Martin's Private Acts, compiled by Francis X. Martin in 1794, purports to contain all private acts passed in the years 1715-1790 which were still in force when the compilation was made. The index is very poor, consisting of only 12 major topical headings with alphabetical entries under these headings. A check with the three volumes of the State Records discloses that they contain all acts which appear in this volume. Because of the better index and the modern print, the State Records volumes are a better source for these early private acts.

There were several earlier compilations, but these are not generally available, and the Clark volumes have made use of all the materials contained in these and the Iredell work.

#### Laws from 1790 to the Present

The only complete source for the laws passed in legislative sessions since 1790 is the official printings of the laws for each session. A table of these official volumes appears at the close of this article. Reference to this table should be helpful, particularly in that it shows all volumes for each session of the General Assembly. Without such a checklist, it is difficult to determine whether all sessions have been covered.

In the early years the laws were not issued in bound volumes, and are now found with several sessions bound together or in loose folio form. After 1816 the laws for each session appear bound in separate volumes, though varying sessions up until the end of the Civil War may also be found bound together. The bound volumes of the early laws, particularly in the years 1790 to 1816, may omit entire sessions, or pages from particular sessions, held during the years it purports to cover. Further, for all volumes of session laws through the 19th century, the user is warned not to take the binder's titles as indicative of the contents and is further warned that the title page often applies to only a portion of the volume.

The laws were first published without any differentiation based on their application, but beginning about 1821 they were published in two sections, Public Laws and Private Laws. This system was used until 1911 when three sections were adopted: Public, Public-Local, and Private Laws.

While the division was between Public Laws and Private Laws, city charters, other incorporation acts (except railroad and plank road acts which were published in the Public Laws), and special legislation for the benefit of particular individuals were to be printed in the Private Laws. All other acts, including the acts affecting local units of the state governmental system, counties and militia districts or townships, were to appear in the Public Laws volume.

When the three-way division was adopted, the Private Laws division remained the same, but Public Laws were divided into those which affected State government agencies or the State generally (Public Laws) and those acts which affected individual counties or townships (Public-Local Laws).

While in theory these classifications are logical and easy to distinguish, in practice it is nearly impossible to follow them consistently in the categorizing of each individual act, and in fact, they caused a great deal of trouble. A great many laws which would normally have been classified as Public-Local appeared in Public or Private Laws sections; laws normally classified as Private appeared in Public or Public-Local Laws sections, and less often, laws normally classified as Public appeared in Public-Local or Private Laws sections. For example, "An act to legalize the marriage of Willie Upton and Sallie Wilroy (white) of Camden County, N. C.," is found in Public Laws, 1889, c. 551, and "An act to incorporate the town of Moncure, Chatham County" is found in Public Laws, 1905, c. 647. Therefore, any search for Public-Local or Private Acts must include all volumes, not just those in which the particular kind of act should be printed.

Probably in recognition of the faci that the classifications were not being followed with sufficient consistency to make them worthwhile, the old divisions were abolished in 1943, and since that time the laws for each legislative session have been issued without classifications in one volume designated "Session Laws."

#### The Indexes

Research in the local and private law area from 1790 until the present is seriously hampered by the absence of any reliable index. In the earlier years the indexes amounted only to a table of contents which grouped the captions of the acts together on a few pages. Since the captions are not always descriptive of the act, these so-called indexes are practically worthless. Even after topically arranged indexes appeared, the indexers not only failed to place a large number of acts under the appropriate topical heading, but in many cases failed to list them at all.

Since this study was oriented toward a particular county and its municipalities, the indexes were treated as being defective wherever an act which referred to New Hanevor County or one of its municipalities by name was not indexed under the county or municipal name, respectively. The index was also treated as defective whenever the first act incorporating a particular town within the county was not indexed under the county name—as they never were. The reasoning in this las case was that it should be possible to discover by referring to the entries under the county name in the index that a new governmental unit had been created in the county. Afterward, of course, the index would be checked under the name of the new town.

Using these standards, all the laws for the years 1791 through 1959 were gone through page by page, and a record of the local or private laws affecting New Hanover and its municipalities founds for the years 1919 through 1959 were compared with the index entries for those years with the following results. For the period 1919 through 1929, 11 out of 149 acts or 7.4 per cent were improperly indexed. For the period 1931 through 1939, 8 out of 132 or 6.1 per cent were improperly indexed. For the period 1941 through 1949, 2 out of 131 or 1.5 per cent were improperly indexed. For the period 1951 through 1959 only 1 out of 109, or 0.9 per cent was improperly indexed. For the total 40-year period 22 out of 521, or 4.2 per cent were

improperly indexed. While no records were maintained for the earlier years, the percentage of error for those years was no doubt higher than for the recent years.

While the sampling used in the study is relatively small, it appears to be large enough (over 500 entries) to be valid as to percentage of error in the indexes. The study does indicate that, using the standards set out above, the index has become nearly perfect in the years since about 1940.

A Publie-Local and Private Laws Index was issued in 1946 by the Secretary of State which covers the years 1900 through 1945. The index is arranged by general topics under names ef counties. Acts affecting cities and towns are indexed under their names under the sub-heading "Cities and Towns" within each county division. A check applying the same standards used for the indexes of the individual volumes, using all the laws from 1900 to 1945 affecting New Hanover County, indicated failure to index 16 out of 244 acts or 6.6 per cent error, and in addition, there were 16 acts which affected both the county and one of its municipalities but were indexed only under the name of the municipality.

In summary, the most important facts about the published volumes of the laws from 1790 to the present are: (1) the Public-Private Laws; and Public, Public-Local, Private Laws divisions were not followed with any degree of accuracy, and (2) all available indexes to the laws leave a great deal to be desired in the way of accuracy and completeness.

#### **Research Methods**

In view of the facts pointed out above, the user of these volumes may do either of two things. First, he may rely on the indexes. If he does so, he accepts the risk of omissions, but he can reduce the risk by examining all indexes even though he is looking only for Public-Local or Private Acts. For the years 1900 to 1945 he can use the index published by the Secretary of State, along with the volume indexes, and further reduce the possibility of omissions. Secondly, the user may decide to work through the volumes page hy page to discover the laws with which he is concerned. This type of search is slow and laborious, but it is the only way to approach complete accuracy, and should be used if any extended, basic, or foundation research is planned.

The easiest way to carry out such

a search would be to read the caption of every act to see if it relates to the problem being researched. The difficulty, however, is that the captions are not always descriptive of the contents of the act. In particular, many acts which are entitled in such a way as to indicate that they apply to the whole State are actually limited to one or two counties. Because of this, a check of the captions alone will probably not produce any greater accuracy than use of the indexes.

The clauses restricting the application of the act to one or more counties generally appear at the end of the act just before the general repealer clause. Unfortunately, however, there seem to be a number of acts in which these limiting clauses appear in the act's beginning paragraph or somewhere in the middle of the act. The result is that neither mere reading of the captions, nor reading of the captions along with scanning the closing sentences of the act for limiting clauses, is completely adequate.

The only method of "total research" is to read all parts of the acts in all volumes. This, of course, is a tremendous undertaking, and it may well be that the gain would be worth the effort only in a few exceptional cases. For most purposes, a caption/closing sentences appreach probably is the only feasible one.

Whichever method is adopted, there is another problem which should be mentioned. There are innumerable amending and repealing acts which do not contain within themselves any clue to the nature of the act which they are repealing or amending. In these cases the original act must be checked to see if it is applicable to the particular situation. This can be done in either of two ways: (1) by checking earlier notes to see if the act listed is there (if it is not, it could be assumed that the act was not pertinent); (2)by checking the original act. This second method is suggested because of the check it affords upon the thoroughness of the work being done. This check may turn up an omission or two in even the most meticulous research. The easiest way to make this check is to draw up a chart which shows the amending or repealing act and the amended or repealed act. Then at some convenient breaking point, all the references can be checked at once, and if necessary, notations and corrections can be made.

Research in the session laws may

start with the most current session of the legislature and move backward, or may start with the earliest session which the researcher intends to examine and move forward. If the quest is for all the legislation concerning a particular subject or geographical area, a forward approach would probably be hetter because of the large amount of amending material. This material can be assimilated with much less effort if the researcher already has reviewed and made notes about the original act. Further, the forward approach piesents a fairly orderly unfolding picture of the development of the area. On the other hand, if a particular bit of information about the current law is desired, then the backward approach would most likely save time. The search in such case need only move backward until the last act controlling the point was passed, and if it is amending legislation, it will lead to the earlier acts which are controlling.

It should be pointed out that if a particular act is being looked for, the index should always be consulted first since it will probably carry an entry about the desired act. Even for the early years the indexes are probably 85 to 90 per cent correct. Also, even if the research is important enough to justify a page-by-page check of the laws, the index should also be examined, as it will provide a check on the accuracy of the page-by-page research.

#### Conclusion

The problems and pitfalls which await the person who tries to find the local and private laws affecting his county, city, or town have been pointed out, and a few suggestions have been made as to methods which may be used to cope with the difficulties. However, it must be confessed that none of these suggestions is completely satisfactory. The situation approaches what a writer has referred to as "copelessness," that is, incapable of being coped with.

Nevertheless, it is absolutely necessary at times to delve into these local and private laws, and it is hoped that the information gathered here will be of some benefit at such times. At the least, it will enable the session law user to work with a better knowledge of his materials and of the weaknesses of his method of research. In addition, this description of the problem perhaps will lead to some serious thinking as to what can and should be done to ease the difficulties in this area.

#### NORTH CAROLINA LAWS-CHECK LIST

Session	Division of Laws	Indexing	Method of Binding
1790* through 1810	No formal division but Private and Local Acts generally follow the Public or Gen- eral Acts	There are no indexes, though occasionally the table of contents calls itself an index	The method of binding is varied. Differing
1811	Same	Short: Broken down into Public Laws and Private Laws	years may be found bound together. There may be whole years or pages from particu-
1812	Same	Short: Broken down into General Laws and Local Laws	lar years missing from any particular
1813 through 1816	Same	Short: Broken down into Public Laws and Private Laws	<ul> <li>volume, so this should be checked care- fully</li> </ul>
1817 through 1820	Same	Same	Each year bound in a separate volume**
1821	Separated into Public Laws and Private Laws but all numbered consecutively	None (at least in volume used in this study)	Same
1822 through 1828	Same	Short: Broken down into Public Laws and Private Laws	Same
1829 through 1832	Same	Short: Topically arranged; About 25 head- ings	Same
1833 and	Same	Short: Topically arranged under Public Laws and Private Laws	Same
1834 1835	None: Actually same format, but no des- ignation "Private Acts" appears at the	Short: Broken only into Public Laws and Private Laws	Same
1836	division point Separated into Public Laws and Private Laws but all numbered consecutively	Short: Topically arranged under Public Laws and Private Laws headings	Same
1838	Separated into Public Laws and Private Laws, and numbered separately	Public Laws and Private Laws indexed separately; Topically only; Entries under topics not arranged alphabetically, but serially	Same
1840	Same	Same	Same
1842 1844	Same Same	Same Same	Same Same
1846	Separated into Public Laws and Private Laws, but numbered consecutively	Same	Same
1848 1850	Same Same	Same Same	Same Same
1852	Same	Public Laws and Private Laws indexed separately; Arranged topically and by city and county, etc.	Same
1854	Same	Public Laws and Private Laws indexed separately; Topically only; Index located in middle of volume	Same
1856	Same	Public Laws and Private Laws indexed separately; Topically only; Indexes follow the respective sections	Same
1858	Same	Same except index is located in middle of volume	Same
1860	Same	Same	Same
1861 lst Extra	Same	Same	Bound with Laws, Regular Session, 1860; Public Laws following Public Laws and Private Laws following Private Laws
1861 2d	Same	No divisions of index; Actually is only a table of contents	Single volume
Extra 1862 plus 1862 Ad- iourned dus 1863 Called plus Ordinances of 1863	Public Laws for Regular Session and Ad- journed Session numbered consecutively and follow in order. Private Laws for Regular Session and Adjourned Session begin another series and are numbered consecutively. Public Laws for Called Ses- sion follow the Private Laws for the other two sessions and are numbered separately. Private Laws for Called Session follow the Public Laws for Called Session follow the Public Laws for the same session and are numbered separately. Ordinances of Convention appear at end of volume and are numbered separately by four different sessions. Many numbers are missing.	Indexes for the Public Laws of Regular and Adjourned Session follow these laws. They are separate and are topically ar- ranged only. Index for the Public Laws of the Called Session precede the Public Laws for this session. They are topically ar- ranged only. Indexes for the Private Laws of all three sessions follow the Called Ses- sion Private Laws. Each Session is in- dexed separately and topically only. Ordi- nance Index is located at the end of volume. There is a separate index for each session and they are arranged topi- cally only.	All in one volume
.863 Adjourned	Divided into Public Laws and Private Laws; Numbered separately	Separate index for each division; Topical- ly arranged only	Single volume
.864 Adjourned	Separated into Public Laws and Private Laws; Numbered separately	Separate index for each division; Topi- cally arranged only	(Found bound with 1863 Adjourned Session)
864 plus 865 Ad- ourned blus 862-5 Secret Sessions	Same	Same	All bound in one volume
865 Called dus 1866 special	Same	Called Session index broken only into Pub- lie Laws and Private Laws; 1866 Session index broken into Public Laws and Pri- vate Laws with topical headings in each division	All bound in one volume

\*Legislature met every year from 1790 until 1836. Thereafter it met biennially until the years 1868 through 1874 when it again met every year. Since 1874 the meetings have been biennial.
\*\*Laws for the years 1817 through 1900 may be found with varying sessions bound together.

#### NORTH CAROLINA LAWS-CHECK LIST

Session	Division of Laws	Indexing	Method of Binding
1866 plus Ordinances of 1866	Laws same-No division of ordinances	Laws same—ordinances indexed topically $\$	All bound in one volume
1868	Separated into Public Laws and Private	No index; Only a table of contents	Single volume
Special 1868	Laws; Numbered separately Same	Separate index for each volume; Topical-	Two volumes, Public Laws volume, and
1869	Same	ly and by city and county, etc. Separate index for each volume; Topically indexed only, or alphabetically if not in- cluded under some topic heading	Private Laws volume Same
1870	Same	Same	Same
1871	Same	Same	Same
1872	Same	Same-except separate for division, not volume	Single volume
1873	Same	Index for both Public Laws and Private Laws combined; Arranged topically and by city and county, etc.	Same
1874	Same	Same	Same
1876	Same	Same	Same
1879***	Same	Same	Same
1880 Special	Same	Same	Same
1881	Same	Same	Same
1883	Same	Same	Same
1885	Same	Same	Same
1887	Same	Same	Same
1889	Same	Same	Same
1891 1893	Same	Same	Same
	Same	Index for each volume; Index arranged topically and by city and county, etc.	Two volumes, Public Laws volume, and Private Laws volume
1895 1897	Same	Same	Same
1899	Same Same	Same Same	Same Same
1900	Same	Combined index—arranged topically and	Same Single volume
Adjourned 1901	Same	by city and county, etc. Index for each volume; Index arranged	Two volumes; Public Laws volume, and
1903	Same	topically and by city and county, etc.	Private Laws volume Same
1905	Same	Same	Same
1907	Same	Same	Same
1908 Extra	Same	Separate index following each division; Topical and city and county, etc.	Single volume
1909	Same	Index for each volume; Index arranged topically and by city and county, etc.	Two volumes; Public Laws volume, and Private Laws volume
1911	Separated into Public Laws, Public-Local Laws, and Private Laws	Same	Three volumes; Public Laws volume, Pub- lic-Local Laws volume, and Private Laws volume
1913	Same	Same	Same
1913 Extra	Same	Separate index for each division; Index arranged topically and by city and county,	Single volume
1915	Same	ctc. Index for each volume; index arranged	Three volumes
1917	Same	topically and by city and county, etc. Same	Two volumes; Public Laws volume, and
1010			Public-Local and Private Laws volume
1919 1920	Same Same	Same Separate index for each division; Index	Same Single volume
Extra		arranged topically and by city and county. etc.	
1921	Same	Same	Two volumes; Public Laws volume, and Public-Local and Private Laws volume
1921 Extra	Same	Same	Single volume
1923	Same	Same	Two volumes
1924 Extra	Same	Same	Single volume
1925	Same	Same	Two volumes
1927	Same	Same	Same
1929	Same	Same	Same
1931 1933	Same Samo	Same Same	Same Same
1935	Same Same	Same	Same
1936 Extra 1937	Same	Same	Same—Extra Session and regular bound together
1938 Extra 1939	Same	Same	Same—Extra Session and regular bound together
1941	Same	Same	Same
@943 to present	Printed as "Session Laws" without any divisions	Indexed topically and by city and county, etc.	One volume per Session (Extra Sessior 1956 bound with Regular Session, 1957)

\*\*\*Meeting date moved from November for the 1876 session to January f or the 1879 session.

# DISTRIBUTION OF FEDERALLY DONATED SURPLUS FOODS TO NEEDY FAMILIES

#### Introduction

Several State and county officials in North Carolina have expressed an interest in knowing more about the program of distributing federally-donated surplus foods to needy families. It is hoped that this article will be of some value to such officials.

The writer wishes to express his appreciation to Dr. Ellen Winston, Commissioner of Public Welfare: Mr. R. Eugene Brown, Director of Public Assistance, State Board of Public Welfare; Mr. Jay P. Davis, North Carolina Department of Agriculture; the United States Department of Agriculture; and, the administrators of the surplus food programs in Arkansas, Delaware, Iowa, Kentucky, Louisiana, Michigan, Mississippi, New York, Tennessee, Texas, Utah, and Vrginia, all of whom were very helpful in furnishing the writer with the information necessary for the writing of this article.

The federal government obtains large supplies of surplus food through the operation of the federal price support program and the federal surplus-removal program. The federal government must give attention to the efficient and economical disposal of this surplus food, and also to assisting in taking care of the food needs of hungiy people. Unfortunately, these two needs do not always run in the same channel, making it necessary to place emphasis upon one need or the other. Such surplus food as the Department of Agriculture is unable to sell, either for foreign currency or dollars, is available for distribution under the federally-donated surplus food program. First priority in the distribution of these foods is in carrying out the national school lunch program; second priputy is given to other eligible recipients in this country; and last priority is distribution to needy persons in foreign countries.

The eligible recipients in this country, in order of priority, are:

(1) Public or non-profit schools of high school grade or under;

(2) Needy Indians receiving commodities on reservations; institutions (includes nonpenal, noneducational public institutions; nonprofit private hospitals; private institutions organized for charitable purposes including homes for aged, orphanages, refugee camps, child-care centers, etc.); reform or training schols for minors; and nonprofit summer camps for children; and,

(3) Other needy persons (defined as individuals who because of their economic status are in need of food assistance).

In addition, donations may be made to disaster organizations without regard to the priorities set out above.

All states do not participate in the program of distributing surplus foods to needy familes. A few states participate in the program as it relates to needy families on a state-wide basis; most states participate to a rather limited extent (generally in those parts of the state where, and during those periods when, economic conditions become acute). A few states do not participate at all. The number of states participating and the extent to which they participate varies from time to time. Figures from the U. S. Department of Agriculture indicate that 3.6 million needy persons in family units were receiving some surplus food as of December, 1959. The states and the number of persons in those states receiving surplus food as of December, 1959, are listed below. The approximate number of local units participating is also set out. These figures were obtained from "Characteristics of General Assistance in the United States," published by the Bureau of Public Assistance, Department of Health, Education and Welfare, in November, 1959.



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

What foods will be available for distribution to eligible needy families under the direct distribution program is difficult to predict as they vary from time to time. The availability depends on farm production, market prices, sales by the Commodity Credit Corporation, and donations to higher-priority eligible recipients. The foods that are thus available do not make up a full market basket by any means, and cannot possibly take care of the dietary needs of a needy family. The state distributing agency is always fully advised as to what commodities are currently available. In addition, the Department issues a quarterly report showing what foods have been distributed and the quantities that went to each category of eligible recipients. Foods that have been available under the program at various times in the past include: dry beans, butter, butter oil, cheese, non-fat dry milk,, rice, wheat, flour, corn, corn meal, cottonseed oil and shortening, beef and beef products, pork and pork products, poultry and poultry products, canned fruits, fresh fruits, lard, and fresh vegetables. However, at the present time the only foods available to needy persons in family units are flour, rice, lard, dry milk, dried eggs, and corn meal.

#### **Statutes and Regulations Relating to Program**

The basic authority for the distribution of surplus foods is derived from the Agricultural Act of 1935, as amended, and from the Agricultural Act of 1949, as amended. A summary of this legislation and the rules and regulations of the Agricultural Marketing Service of the Department of Agriculture is set out below.

Section 416 of the Agricultural Act of 1949, as amended, reads in part as follows: "In order to prevent the waste of commodities acquired through pricesupport operations by the Commodity Credit Corporation before they can be disposed of in normal domestic channels without impairment of the price -support program or sold abroad at competitive world prices, the Commodity Credit Corporation is authorized on such terms and under such regulations as the Secretary may deem in the public interest ... (3) in the case of food commodities to donate such commodities to . . . such State, Federal, or private agencies as may be designated by the proper State or Federal authority and approved by the Secretary, for use in the United States in . . . the assistance of needy persons . . . In the case of (3) . . . the

State	Approximate Number of Local Units (County or equivalent unless otherwise indicated) Participating	Number of Needy Persons Receiving Surplus Foods
Alabama Arizona Arkansas	20 of 67 all 67 of 75	99,946 47,753 146,463
California Colorado Connecticut	24 of 58 13 of 63 2 or 3 towns	$20,\!681 \\ 24,\!289 \\ 249$
Delaware District of Columbia Georgia	all all 23 of 159	1,705 25,386 30,015
Illinois Indiana Iowa	$\begin{array}{cccccccccccccccccccccccccccccccccccc$	58,563 50,712 52,598
Kansas Kentucky Louisiana	6 of 105 81 of 120 20 of 64	$\begin{array}{c} 10,384\\ 222,993\\ 73,203\end{array}$
Maine Maryland Massachusetts	253 towns 2 of 24 6 of 14	$\begin{array}{c} 41,736\\ 32,910\\ 2,380\end{array}$
Michigan Minnesota Mississippi	76 of 83 23 of 87 64 of 84	$241,096\ 32,797\ 249,056$
Missouri Montana Nebraska	10 of 115 8 of 56 none listed	39,738 14,734 595
Nevada New Hampshire New Jersey	4 of 17 all few cities	1,523 5,931 8,551
New Mexico New York North Dakota	26 of 32 52 of 65 welfare dists. few	34,070 170,387 9,911
Ohio Oklahoma Pennsylvania	18 of 88 72 of 77 60 of 67	$\begin{array}{c} 82,432\\ 175,650\\ 456,915\end{array}$
Puerto Rico Rhode Island South Dakota	all 18 communities 39 of 68	577,496 5,492 29,976
Tennessee Texas Utah	$\begin{array}{cccccccccccccccccccccccccccccccccccc$	$\begin{array}{c} 113,\ 380\\ 108,086\\ 14,883\end{array}$
Vermont Virginia West Virginia	unknown 10 of 98 46 of 55	7,552 29,528 240,221
Wisconsin Wyoming Samoa (American)	17 of 71 15 of 23 unknown	$26,116 \\ 5,359 \\ 1,032$
Trust Territory	unknown	2,618
	Total Number of Persons	3,627,091

Secretary shall obtain such assurance as he deems necessary that the recipients thereof will not diminish their normal expenditures for food by reason of such donation . . . The Commodity Credit Corporation may pay with respect to commodities disposed of under this section, reprocessing, packaging, transportation, handling, and other charges accruing up to the time of their delivery to a Federal agency or to the designat-

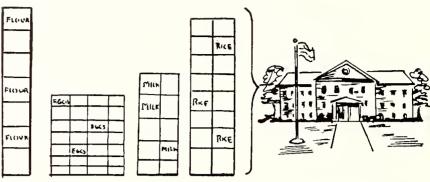
ed State or private agency, in the case of commodities made available for use within the United States . . . In addition, in the case of food commodities disposed of under this section, the Commodity Credit Corporation may pay the cost of processing such commodities into a form suitable for home or institutional use, such processing to be accomplished through private trade facilities to the greatest extent possible."



The Act defines "Department" to mean the United States Department of Agriculture or the Commodity Credit Corporation, whichever is donor under the pertinent legislation; "Secretary" to mean the Secretary of Agriculture; "Distributing Agencies" to mean state, federal or private agencies which enter into agreements with the Department for the distribution of commodities to eligible recipient agencies and recipients; "Sub-distributing Agencies" to mean agencies performing one or more distribution functions for distributing agencies other than, or in addition to, functions normally performed by common carriers or warehousemen; "Recipient Agencies" to mean schools, summer camps for children, institutions, welfare agencies, or disaster organizations receiving commodities for their own use or for distribution to eligible recipients; "Recipients" to include needy persons and disaster victims receiving commodities for their own use; "Needy Persons" to mean individuals who because of their economic status are in need of food assistance; and "Commodities" to mean foods donated, or available for donation, by the Department under any pertinent legislation.

The statutes and regulations prescribe that food commodities are available only for distribution and use in accordance with the applicable statutes and regulations, and that commodities not so distributed or used are not to be sold, exchanged or otherwise disposed of without the approval of the Department; but, that commodities may be transferred between recipient agencies upon the authorization of the distribution agency if determined to be in the best interests of the distribution program.

Commodities are to be donated only in such quantities as will protect the lowest carload freight rate, except as deemed in the best interests of the program by the Department. As commodities become available for donation, the Food Distribution Division of the Agricultural Mar-



keting Service is to notify distributing agencies regarding the commodities, the class or classes of recipient agencies or recipients eligible to receive them, and any special terms and conditions of donation and distribution which attach to the particular commodity in addition to the general terms and conditions set out in the statutes and regulations. Every effort is to be made to deliver commodities in accordance with requested schedules. The Department is to pay processing, reprocessing, transportation, handling and other charges accruing up to the time of transfer of title to distributing agencies. The title to commodities passes to the distributing agencies upon their acceptance of the commodities at the time and place of delivery, subject to the condition that the commodities be used for the purposes and upon the terms and conditions set forth in the statutes and regulations.

Such state and federal agencies as are designated by the Governor of the State, by the State Legislature, or by proper federal authority and approved by the Secretary shall be eligible to become distributing agencies. Where state distributing agencies are not permitted by law to make distribution to private recipient agencies, private agencies which agree to make distribution of commodities on a state-wide basis may be approved by the Secretary as distributing agencies. Prior to the inauguration of a distribution program, eligible distributing agencies must enter into written agreements with the Department. Such agreements must incorporate by reference or otherwise the terms and conditions set forth in the applicable statutes and regulations.

Distributing agencies must determine that recipient agencies to whom they distribute commodities are eligible, and must impose upon recipient agencies the responsibility for determining that recipients to whom they distribute commodities are eligible.

Distributing agencies must enter into agreements with sub-distributing agen-

cies, recipient agencies, warehousemen, carriers, or other persons to whom commodities are delivered under the distribution program. Such agreements must obtain such terms and conditions as the distributing agency deems necessary to insure (1) that the distribution and use of commodities is in accordance with applicable statutes and regulations, and (2) that sub-distributing agencies, recipient agencies, warehousemen, carriers, or other persons to whom commodities are delivered, are responsible to the distributing agency for any improper distribution or use of commodities, and for any loss or damage to commodities caused by their fault or negligence.

Distributing agencies, prior to making distribution to welfare agencies or needy persons, must submit a plan of operation for approval by the appropriate Area Office of the Food Distribution Division, Agricultural Marketing Service. The plan must incorporate the procedures and methods to be used in certifying individuals as needy persons and in making distribution of commodities to such recipients. No amendments may be made without approval of the same Area Office. Distributing agencies must require recipient agencies making distribution to recipients to conduct distribution program in accordance with the provisions of the plan of operation, and the plan must include at least the following:

(1) The estimated number of needy persons to whom distribution will be made that are public assistance recipients, private assistance recipients or otherwise eligible;

(2) The name of the agency or agencies which will be responsible for certification of, and distribution of commodities to the eligible needy persons;

(3) The manner in which the commodities will be distributed, including storage and distribution facilities to be used, and method of financing;

(4) The specific criteria to be used in certifying individuals as needy persons (these criteria must be such as to insure that only those individuals who have cooking facilities and whose funds are so limited as to insure that food purchases are not reduced as a result of receiving commodities, are determined to be needy persons);

(5) Provisions for reviewing certifications of recipients to determine any change in their economic status which would affect their continued eligibility;
 (6) Provisions for identifying each

person certified;

(7) Assurance that welfare grants or similar aid will not be reduced because of the receipt of commodities;

(8) Assurance that the distribution of commodities will not be used as a means of furthering the political interests of any individual or party, and that there will be no discrimination in the distribution of commodities because of race, creed or color;

(9) Assurance that recipients shall not be required or requested to make any payments in money, materials or services, for or in connection with the receipt of commodities; and,

(10) The manner in which the distributing agency plans to supervise the program.

Commodities are to be requested and distributed only in quantities which can be consumed without waste. Distributing agencies must impose similar restrictions upon recipient agencies.

Provisions are made for redonation when a distributing agency has commodities on hand which it cannot efficiently utilize. Those commodities which the Department determines are acceptable for redonation are to be moved at the distributing agency's expense to the place of redonation, provided that the Department is authorized to pay all or part of the transportation and handling costs in connection with such redonation when it determines that the need for redonation resulted from no fault or negligence on the part of the distributing agency.

Recipient agencies may be required to pay part or all of the within-state costs of distribution through a system of charges assessed by distributing or subdistributing agencies. These assessments must have the prior approval of, and be subject to review by, the Area Office of the Food Distribution Division of the Agricultural Marketing Service. Under no circumstances, however, shall recipients be required to make any payments in money, materials, or services for or in connection with the receipt of commodities. If funds do accrue to the distributing agency as a result of assessment, sale of containers, salvage of commodities, recoveries for loss or damage, etc., such funds are to be used by the distributing agency solely for the purpose of paying the expenses of the commodity distribution program.

If a distributing agency improperly distributes or uses any commodity, or causes loss of or damage to a commodity through its failure to provide proper storage, care, or handling, the distributing agency shall, at the Department's option, (1) replace the commodity in its distribution program in kind, or (2) pay to the Department the value of the commodity as determined by the Department. Similar provisions apply to subdistributing and recipient agencies.

Distributing agencies, sub-distributing agencies, or recipient agencies may employ commercial or institutional facilities to process commodities by converting them into different end-products or by repackaging them, or they may use their own facilities for such processing. Such reprocessed products must bear a label stating: "Donated by the United States Department of Agriculture—Not to be Sold or Exchanged".

Adequate personnel, including supervisory personnel to review distribution programs, must be provided to effect distribution in accordance with the requirements of applicable laws and regulations.

Facilities for the handling, storage and distribution of commodities must be such as to safeguard them against theft, spoilage, and other loss. Sub-distributing and recipient agencies must provide similar facilities.

Accurate records pertaining to all transactions relating to the receipt, disposal, and inventory of commodities must be maintained by the distributing agency. Similar requirements are imposed on sub-distributing agencies and recipient agencies. Such records must be maintained for a period of three years. Distributing agencies must submit such monthly reports to the Area Offices of the Food Distribution Division of the Agricultural Marketing Service as the Department may require.

Representatives of the Department are authorized to inspect commodities, facilities, and records used in the handling of the program. Distributing agencies must investigate promptly complaints received in connection with the distribution or use of commodities, correct irregularities disclosed, and promptly report each instance of serious irregularity to the Department.

Demurrage or other charges which accrue after a car or truck has been placed for unloading by the delivering carrier, or which accrue because placement of a car or truck is prevented, must be borne by the distributing agency, except where such charges accrue because of actions by the Department and without any fault or negligence of the distributing agency, in which case the demurrage is borne by the Department.

Lastly, provision is made for the destruction of commodities which are found to be damaged or are declared unfit for human consumption by federal, state, or local health officials, or by other inspection services or persons deemed competent by the Department.

#### North Carolina Experience

There are no North Carolina counties participating in the program at the present time (except for some surplus dry milk being distributed in Alleghany, Ashe, Brunswick, and Watauga Counties). The North Carolina Department of Agriculture is the State distributing agency for North Carolina. Mr. Jay P. Davis, Director, Commodity Distribution Section, North Carolina Department of Agriculture, is the director of the program. The State Board of Public Welfare, under an agreement with the State Department of Agriculture, has adopted a plan for certifying eligibility of needy families to receive the surplus food commodities. The plan makes it the responsibility of county public welfare departments to determine the eligibility of applicants for food commodities; issue identification cards to applicants certified as eligible; prepare distrbution cards for certified persons; review eligibility lists monthly to determine continuing eligibility and, to eliminate those no longer eligible; and advise applicants that federal requirements prohibit commodities received from being sold or traded. The plan establishes eligibility criteria, and provides that recipients of categorical assistance or unemployment compensation are not to be certified as eligible.

As no North Carolina counties are participating in the program at the present time, the work of the Commodity Distribution Section is devoted almost exclusively to administering the distribution of surplus foods to schools, kindergartens, institutions and summer camps. Nearly 27 million pounds of food (with an estimated retail value of over 7 million dollars) were distributed to these recipient agencies during fiscal year 1959-60. Mr. Davis indicated that while his section is equipped to handle a limited amount of distribution to needy families where emergencies arise, it is not presently equipped to handle regular state-wide distribution. He stated that if this were desired in North Carolina, a State appropriation for a larger State staff and for the renting of more warehouse space would be necessary. The State staff at the present time consists of a Director, two field men, and three secretarial persons.

There have been several counties in North Carolina to request information about commodity distribution to needy families during the past few years, but after giving consideration to the plan many of the counties decided not to accept commodities. The counties where distributions have been made discontinued the plan as soon as the emergency which caused the plan to come into operation ended.

As a result of hurricane damage in 1954-55 the following counties had commodity distributions:

Beaufort—November 1955-May 1956 Brunswick—January-June 1956 Carteret—November 1955-Febraury 1956 Hyde—October 1955-June 1956 Pamlico—November 1955-May 1956 Tyrrell—November 1955-May 1956 Washington—December 1955-May 1956

As a result of crop failures, reduction in acreage allotments, and an unusually severe winter in 1957-58, commodities were requested by several counties and were distributed in the following five counties,

Beaufort—January-June 1958 Johnston—February-April 1958 Pasquotank—March-May 1958 Pitt—March-June 1958 Wayne—April-June 1958

The most recent county to receive distribution of surplus food commodities was Beaufort County which received such foods during a four months' period ending with the end of May, 1960. It was estimated that during the month of March 2,533 persons received commodities of an estimated value of \$1.65 per person or a total value of \$4,179.45. The Beaufort County accountant had charge of the distribution and he estimated that the total cost would average about \$300 per month, which included transportation costs from the State center to Beaufort County, transportation to the three distribution centers in the county, and all labor for distribution and mailing notices for the families to go to the point of distribution for the commodities. In addition to this, it was estimated that the cost of welfare time for certification purposes averaged about \$155 per month making the total county cost run about \$455 per month. Since Beaufort County had participated in

two prior periods of surplus food distributions, it was estimated that the time involved in certification was considerably decreased because much of the information needed for certification of eligible persons was already available.

In the past, North Carolina counties appear to have preferred to receive surplus food commodities only during emergency situations, rather than to have a regular state-wide distribution program. It has been estimated by the State Board of Public Welfare that if the State were to go into a state-wide distribution program in 1960 with all needy families being considered eligible, the average number of eligible persons would be 190,000, with about half of these being public assistance recipients and half being persons who would be eligible but who do not receive categorical public assistance.

Under a special agreement between the State Board of Public Welfare and the United States Department of Agriculture, all North Carolina counties had experience with the distribution of surplus commodities during fiscal years 1936-37 through 1941-42. There was a Division of Surplus Commodity Distribution within the State Board of Public Welfare at that time. The table on page 15 sets out the estimated value of foods distributed and the cost involved during that period of time. It should be pointed out that surplus commodities during this period included items other than food, and that the cost was shared by the federal, State and county governments.

Assuming North Carolina were to follow the same plan for present day distribution which was followed between 1936 and 1942, and that regular statewide distribution were provided to all eligible persons, an enlarged Commodity Distribution Division would be needed. The Director of Public Assistance estimates that the personnel required would include a director, an assistant director, a field supervisor, and several district supervisors to have charge of district warehouses, as well as personnel for each district warehouse: and that labor for handling bulk commodities, a fleet of trucks, and truck drivers to distribute commodities periodically to each county in each district would have to be provided. He estimates that this type of plan (providing for state financed, state-wide regular distribution to all eligible persons) would cost the State about \$500,-000 a year, whih does not include the cost of certification and periodic re-certification of eligible persons by county public welfare departments. In considering such a program, one would want to consider the fact that if this amount of money were added to public assistance appropriations, an additional \$3.70 of federal money would be added for each State and county dollar to help meet the food and other needs of public assistance recipients.

#### **Experience of Other States**

The writer sent a request for information concerning the operation and cost for the program to several of the states who are participating in the program to a considerable degree. About half of the states from which this information was requested replied to the request. A summary of the replies is set out below.

Arkansas. The Commodity Distribution Division of the State Department of Public Welfare is responsible for the program in Arkansas. Each county judge has the option of distributing or not distributing surplus commodities within his county. Sixty-five of the 75 county judges have elected to come within the program. The Commodity Distribution Division receives and stores all of the commodities in State-owned or commercial warehouses in Little Rock. These commodities are stored at State expense until the counties come to pick them up. The cost of transporting the commodities to the county warehouses, as well as the cost of storage, distribution and record keeping at the county level is borne by the county. The only cost to the State at the county level is the certification of the applicant for the commodities. The cost to the State for the Commodity Distribution Division to receive, store, and distribute commodities to the counties is approximately \$125,000 per year. As the operation in each county is different, no exact county cost figures were available.

Delaware. Most of the responsibility for the administration of the program in Delaware is handled by the Delaware National Guard, with the State Department of Public Welfare responsible for the certification of eligible recipients. The Executive Section of the National Guard is responsible for the co-ordination of the program and contains the office of the State Director of the program. Other sections within the National Guard having some responsibility in connection with the program include the Ration Breakdown and Purchasing Section which is responsible for seeing that the commodities are packaged in amounts suitable for distribution to individuals; a Transportation Section which is responsible for furnishing all transportation required

	1936-37	1937-38	1938-39	1939-40	1940-41	1941-42
1. Cost of Distribution						
Cost to State Cost to Counties WPA Contribution TOTAL COST		$48,502 \\ 15,031 \\ 103,284 \\ \$ 166,817$	43,767 14,46) 194,277 \$ 252,513	50,935 20,413 265,147 336,495	80,162 33,223 422,432 \$ 535,817	149,186 57,985 837,636 \$1.044,807
2. Average Number of Certified Cases Receiving Commodities	25,612	27,958	39,058	39,485	42,429	34 <b>,</b> 364
3. Estimated Value of Food Distributed			\$1,53 <b>t</b> ,629	\$1,t27,2 <mark>8</mark> 3	\$3,024,598	\$2,464,918

Surplus Commodity Distribution In North Carolina-1936-1942

(Figures supplied by State Board of Public Welfare)

by the program, except that which is the direct responsibility of the distributing agency (the distribution of foods directly from the state warehouse rather than from warehouses within the marketing areas); a Distribution Point Section which is responsible for selecting distribution points and supervising the activities associated with the distribution points; and a Financial Accounting and Bookkeeping Section responsible for financial aspects of the program.

A master list is prepared of all eligible persons and a certificate of eligibility is mailed to those persons. The Purchasing and Ration Breakdown Section determines, from the master list, the total amount of each commodity required for each marketing area. The Transportation Section then picks up and signs for commodities at the State warehouses and delivers the commodities to the distribution point in each marketing area. Then, on the designated day, each person receiving a surplus food certificate takes it to the distribution point in the marketing area in which he lives and exchanges it for the commodities indicated on the certificate. Statistics from the director of the program in Delaware indicated that the average number of families served each month was 920; that 180 tons of food were distributed in one year; that the total retail value of the food distributed was estimated to be \$100,000; that the total administrative expense attributable to the program in one year was \$6,793; and, that the total man-hours donated by the National Guard was 1,960.

*Iowa*. The Department of Social Welfare is responsible for administering the program in Iowa. The commodities are received at a central location and are then distributed to the various counties throughout the State. The cost of distribution to the counties is paid by the Department, which, in turn, bills the counties for their proportionate share. It was estimated that the average cost for handling, storage, and transporting the commodities from the central location to the counties was about 80 cents for each 100 pounds of commodities. The cost of handling the commodities after they reach the county depends on the size of the county; size of the program; and, whether existing employees are used, new ones are hired specifically for this program, or volunteer help is procured. Before a county may come within the program. the board of supervisors must sign an agreement to finance the program and to comply with the regulations of the State Department of Social Welfare.

Kentucky. The Division of Commodity Distribution, Kentucky Department of Agriculture, is responsible for the administration of the program in Kentucky. Eighty-seven of the 120 counties are distributing surplus foods to needy people. The number of persons receiving the food ranged in July, 1960, from 302 persons in one county to 19,647 persons in another. Practically all of the food in Kentucky is distributed from railroad cars to local recipient againcies. The cars are spotted in the most central areas for all recipients. It is the responsibility of the local resident agency to have the food picked up from the railroad car and delivered to its warehouse. There are, in addition, two small state warehouses, cne in western Kentucky and one in eastern Kentucky, which are used to take care of needs arising due to late shipment of cars, new counties coming into the program, and any emergency situation that may arise. Each county fiscal court is required to employ a county welfare director who is responsible for taking applications from all applicants, receiving the food, storing the food, and distributing the food to certified eligible families. The fiscal court also must maintain records for the accountability of all food received and prepare monthly reports.

The Division of Commodity Distribution of the Kentucky Department of Agriculture employs a total of 14 persons, which includes the director, assistant director, one secretary, three clerk typists, and eight field supervisors. The warehouses are handled by the field supervisor in the area. The budget for this division for fiscal year 1960-61 is \$82,005. The annual cost to each of the county fiscal courts ranges from about \$1,000 in some of the small counties to about \$12,000 in some of the larger counties. This variation at the local level is due to varying case loads, warehouse rent, use of county trucks versus commercial lines for transportation, and labor costs. In a few counties with small case loads, ladies operate the program, in which cases the welfare directors work only about ten days each month, while in the larger counties the program is handled by full-time employees.

Louisiana. In Louisiana, the State Department of Public Welfare is the agency responsible for ordering and allocating surplus food to participating parishes. The Department also provides field supervision to insure proper storage, accountability, etc. The local welfare offices in participating parishes take applications and certify eligible recipients. They also notify recipients each month when to report for their food. The approximate annual cost to the Welfare Department for these services is \$125,000. The Department maintains two central warehouses from which parishes with small case loads are served. In the larger parishes, the food is received directly from the U.S. Department of Agriculture in carload lots with freight charges prepaid. The local governing body is responsible for providing suitable storage facilities, a warehouse manager to be responsible for receiving, unloading and distributing the food, and the labor necessary to accomplish the above services. The ware-

house manager is responsible for maintaining records and making required reports. The local parishes distribute the food once each month, the period of distribution varying from one to ten days depending upon the size of the case load and the efficiency of operation. Local conditions, such as relatively good or poor crops, unemployment, and availability of public funds at the parish level determine the number of parishes participating in the program at any given time. Twenty-five to 30 parishes usually are in and out of the program for some period of time during each year. Participation in the program averages about 20 parishes throughout the year at an annual cost of about \$150,000.

Michigan. In Michigan, the State Department of Social Welfare administers the program. Surplus food is made available to the various recipient agencies through eleven distribution outlets established in various parts of the State. These eleven distribution outlets make distribution to all eligible categories in their area. The distribution outlets are required to have ample zero, cold and dry storage; storage for several carloads; processing equipment, space and personnel; transportation equipment; office equipment, space and personnel; and must agree to make distribution every 30 days. These are private outlets. Direct carload shipments are made at U. S. government expense to the various distribution outlets, and the costs from the distribution outlets to the various agencies are paid by the recipient agencies. The eleven distribution outlets are required to package any bulk commodities into smaller units and make delivery. The local county departments of social welfare each month order the amount of commodities from the distribution outlets, and then they distribute the packages to the individual recipients. The State controls all inventories in the distribution outlets and makes reports to the federal goverrment. In most instances the counties make distribution one or two days a month. Persons are notified of the date of distribution and come in to get the commodities that are made available. The counties are required to make certain reports to the State. The State, through committees, has established a service charge which the various distribution outlets charge the county departments of public welfare for the various items of food. During fiscal year 1959-60, 25,478,449 pounds of surplus food were distributed by county

welfare departments. The value of this food was estimated to be \$5,166,539. The service charge to the county departments for the food was \$377.062. Figures were not available as to the cost of distributing the food from the county departments to the recipients. In some of the smaller counties this is done by staff members of the department, but in larger counties the county employs two or three part-time employees for the distribution of the food. There is also in operation in Michigan another system of distribution by the counties, and that is through retail stores. The counties using this system select three or four retail stores located throughout the county to make distribution of the food for them. The county pays these stores from ten cents per case to fifteen cents per case for making distribution. There is no cost in either case to the State Department of Social Welfare other than the cost of an administrative staff for making reports and for four field men who inspect and audit the records of the various counties to see that the food is being properly distributed. Under either of the local distribution systems, the local units do not have to maintain warehouses, as they order from the nearest distribution outlet and make immediate delivery to the individual recipien's, thereby having on hand only those commodities which the eligible recipients fail to pick up.

Mississippi. The State Department of Public Welfare is responsible for the administration of the program in Mississippi. Commodities are distributed to the individual counties from the railroad cars in which they are received. There is no central warehousing. Transportation from the railroad siding to the county warehouse is furnished by the county board of supervisors. Most of the counties distribute the commodities from a central warehouse. A few, including some of the largest counties, distribute from a number of locations in the county, using van trucks or buildings from which to distribute. The cost of the program to the State during the year 1959-60 was approximately \$40,000. The estimated retail value of commodities distributed was more than \$9,000,000. The costs to the counties vary widely and are not readily available because many of the counties haul the commodities in county-owned trucks and use county employees to load and unload without making any charge to the program. Other counties use prisoners for unloading and stacking commodities in

the warehouse. Some counties use welfare department personnel to certify needy families who are not welfare recipients, whereas others issue commodities to public welfare recipients only. In Hinds County, Mississippi, where the largest year-round program is carried out, commodities were distributed to an average of 26,000 persons per month during the year 1959-60. The estimated retail value of the commodities distributed was \$1,050,-000. The cost to the county was slightly more than \$52,000. Prisoners were used to unload railroad cars and to load out trucks from the warehouse which helped to keep the cost down. Commodities were made available to both welfare recipients and certified non-welfare recipients from van trucks and at several points in the county. It was stated that information from a few counties that distributed primarily to unemployed farm laborers during winter months, and counties which distributed solely to welfare clients indicated that the cost to the county was far less than the estimated retail value of the commodities issued.

New York. The Division of Standards and Purchase of the State of New York is responsible for the administration of the program in New York State. The Division is responsible for procuring commodities from the U.S. Department of Agriculture; providing warehouse storage; maintaining a central office staff responsible for commodity inventories; distribution to local welfare districts, and the preparation and submission of reports; maintaining a field inspection staff to work between the central state office and the local welfare districts, checking records, warehouses, and distribution outlets; and, accounting to the federal government for the proper storage and distribution of the commodities. The local welfare districts are responsible for certifying persons as eligible; for mailing surplus food certificates to eligible recipients monthly; for transporting commodities from warehouses to local distribution outlets; and, for preparing and submitting certain reports to the State office. The State office has an annual appropriation of \$95,000 to maintain a central office staff consisting of a Director of Surplus Commodities, clerical personnel, and field inspection personnel. In April, 1960, 48,129 persons in 25 welfare districts received surplus food commodities. The State warehouse cost was \$1,107. The full cost of warehousing is paid by the State office, but each

welfare district is assessed for their pro-rata portion of such charges, and the assessments are remitted to the State office. In turn, the State Department of Social Welfare adjusts its payments to localities to include 50 per cent of the cost to warehouse food. The cost of trucking and distributing food to eligible families is financed by local welfare districts, but the State reimburses such districts for 50 per cent of these costs. More specific costs data were not available.

Tennessee. The Commodity Distribution Section, Tennessee Department of Agriculture, is the State agency responsible for the program. Distribution to needy persons constitutes about one-half of the Section's workload, and it is estimated that about \$25,000 is spent annually on this portion of the program. No warehousing facilities are maintained at the State level. All shipments are distributed directly from car door to the various counties. An effort is made to get the shipment as near as possible to the location of the county. In many cases, as many as four counties share in the same shipment Local county officials wishing to bring their county within the program may do so by agreeing to finance the program and to operate it under the instructions contained in the welfare distribution handbook prepared by the Commodity Distribution Section. Counties coming within the program have a distribution center located as near the center of the county as possible. Foods are distributed from the center one week out of each month. Personnel that take applications for food are full-time employees, work five days per week and are located in the center. Additional personnel are often required during the week that distribution is made. The cost of operating the program at the county level was not available.

Texas. The Commodity Distribution Division of the Texas State Department of Public Welfare is responsible for the administration of the program in Texas. The cost of operating this Division is derived from assessments collected from recipient agencies inasmuch as the Texas State Legislature makes no appropriation to meet the administrative costs of this program, but does provide for an assessment to be collected from recipient agencies at a rate not to exceed 40 cents per capita (participant) per annum. The present assessment rate is 30 cents per capita per annum. The funds derived from the assessments are used to meet

State administrative costs, and the recipient agencies must pay the costs of handling, storage and transportation irom various district headquarters towns to the recipient agencies' locality. The commodities are shipped to the district headquarters towns in carload lots at the expense of the U.S. Department of Agriculture. During June, 1960, 71 localities were participating in the program. The number of persons certified as eligible was 143,-273, but only 116,898 were actually served. The local cities and counties determine whether or not they wish to come within the program. No cost figures by the county were available.

Utah. In Utah the State pays for the entire cost of the program. This amounts to a cost of about \$55,000 per year. These funds are used to pay transportation charges, re-packaging charges, and in some instances, salaries of workers where their time is sufficient to charge directly to the program. The Bureau of Accounts and Research in the State Department of Public Welfare has the responsibility for carrying out the program. This Bureau leases a warehouse in co-operation with Salt Lake County which serves as a storage place for Salt Lake County, and as a temporary storage at times for commodities that are shipped into other areas of the State. Aside from the operation in Salt Lake County, the usual procedure is to have the railroad car spotted on a spur line, and truck lines then pick up the commodities and carry them directly from the railroad car to the other areas of the State. The county departments of public welfare are responsible for certifying and distributing all commodities to public welfare recipients. In the larger counties this necessitates renting of storage space, especially if butter or some other perishable product is involved. In Salt Lake County. the case workers certify the amount of commodities the families can receive; they are notified of this by card, and they then present this card to the warehouse where the commodity is distributed to them.

Virginia. In Virginia, the program is administered by the Commodity Distribution Section of the Department of Agriculture. The Commodity Distribution Section orders carload shipments (truck or rail) directly to the particular counties being served, with the U. S. Department of Agriculture paying the cost of transporting them to the counties. No central warehousing is provided by the State. The county welfare departments enter into an agreement with the Virginia Department of Agriculture in which they agree to store the commodities and to administer the programs in accordance with the agreement. The county board of supervisors appropriates money for the operation of the program. The Commodity Distribution Section requires that participating counties hire a commodity clerk. In some Virginia counties there is no cost for the use of warehouses as civic minded organizations provide these, while in other counties warehouse rental and other expenditures are paid by the welfare board from appropriations made by the board of supervisors. The welfare board also pays the transportation cost from the car to the warehouse and in some instances pays the help for unloading and stacking the food in the warehouse, unless, again, some civic organization volunteers their trucks and time free of charge. Ten of the state's 98 counties presently participate in the program. The ten welfare departments participating in the program operate the program at an average cost per month of \$397.30 per county. This average sum includes salaries, travel, transportation, warehouse rent, supplies, heat, light, and water where these various items of cost are not donated.

#### Food Stamp Plan

Several bills have been introduced into the Congress of the United States providing for a food stamp plan for the distribution of federal surplus foods. Each of these bills differ in some minor respects, but, basically, they provide a plan whereby the United States Department of Agriculture would print and issue food stamps to state and local welfare agencies. The state and local welfare agencies would then determine what persons were eligible to receive surplus foods and would issue the stamps to such persons. The recipients of the stamps could take them to the grocery store of their choice and redeem the stamps with surplus foods. In turn, the grocer could deposit the stamps with a co-operating bank and be given credit for the amount of the stamps so deposited. The banks would be reimbursed by the U.S. Department of Agriculture.

The Committee on Agriculture of the House of Representatives of the 85th and 86th Congress held extensive hearings on the various food stamp proposals. Most of the persons and agencies appearing before the Committee, and having statements filed as a part of the official record of the

Committee, took the position that a food stamp plan would be a much more economical and practical manner of distributing surplus foods, and also that it would have the desirable feature of eliminating the degrading features of the present system whereby individuals have to stand in line for handouts. Many felt that the most desirable feature of the food stamp plan was that it would allow the recipient to purchase surplus foods with dignity and at the same time and place that he purchased his regular supply of foods. The United States Department of Agriculture appeared in opposition to the food stamp plans on the grounds that the present system was adequate, that the food stamp plan would be more expensive to the federal government (as there would be very little cost involved by the state and local governments), and that the food stamp program would be more difficult to administer.

In September, 1959, Congress did pass legislation (P. L. 86-341) authorizing the Secretary of Agriculture to provide for the distribution of surplus foods to needy persons through a food stamp system. This was, apparently, to be a "pilot project" as authorization only covered the period February 1, 1960-January 1, 1962, and limited the cost of the program to \$250,000,-000 for any twelve-month period. As of the date of this writing, the Secre tary of Agriculture has not exercised the authority granted by this legislation by setting such a program into operation, and there is no evidence that he intends to do so.

#### Summary

A review of the information furnished and available to the writer inducates that, while a large number of states have distributed surplus food commodities, most of them make distributions only when emergencies resulting from crop failure, bad weather, unemployment, or other similar factors, arise (as has been the case 12! North Carolina).

The Commodity Distribution Section, North Carolina Department of Agriculture, is not equipped at the present time to make regular, state-wide distribution of surplus food commodities. The usual pattern in the southeast has been to: provide for a state agency (usually a division within the State Department of Agriculture) responsible for administering the program on tho state level hy procuring the surplus foods from the federal government; provide for state warehousing

# BOND SALES

From March through June, the Local Government Commission sold bonds for the following governmental units. The unit, the amount of bonds, the purpose for which the bonds were issued, and the effective interest rate are given.

Unit	Amount	Purpose	Rate
Asheboro	\$1,800,000	Sanitary sewer	3.8
Charlotte	2,265,000	Sanitary sewer and hospital	3.4
China Giove	240,000	Sanitary sewer	4.1
Durham	3,000,000	Water, sanitary sewer, street improvement, public building, sidewalk, and recreation	3.3
Fayetteville	1,370,000	Water, recreation, and street improvement	3.6
Hot Springs	31,000	Water and fire equipment	4.4
Laurinburg	300,000	Sanitary sewer and water	3.4
Ramseur	90,000	Water	4.4
Roanoke Rapids	40,000	Recreation	3.6
Rockingham	$455,\!000$	Water	4.0
Rockwell	85,000	Sanitary sewer	4.2
Southport	40,000	Water	4.2
Tarboro	$75,\!000$	Municipal building	3.5
Wake Forest	147,000	Water and recreation	3.9
Williamston	$165,\!000$	Municipal building	4.0
Wrightsville Beach	250,000	Water and sanitary sewer	4.5
Yadkinville	64,000	Water	4.1
Alamance County	1,300,000	School building	3.5
Anson County	680,000	School building	3.5
Buncombe County	2,300,000	School building	4.4
Guilford County	7,000,000	School building	3.4
Mecklenburg County	4,975,000	School building, county build- ing, Community College	3.6
Montgomery County	1,000,006	School building	4.2
Robeson County	850,000	School building	3.5
Sampson County	98,000	General refunding and school refunding	3.6
Scotland County	53,000	School and school refunding	3.2
Union County	1,000,000	School building	3.6
Wake County	1,000,000	County hospital	3.3
Franklinton School	250,000	School	4.6
District of Franklin Cou	nty		
Rocky Mount Administra- tive Unit	- 1,000,000	School building	3.7

of the foods; provide for certification of eligible needy persons by departments of public welfare; and, provide for distribution from the state warehouse to district warehouses serving various counties, with the counties being responsible for the financing of the operation from the state warehouse to the district warehouse, from the district warehouses to the individual counties, and from the individual counties to the eligible recipients. These costs include the costs of transportation, storage, and actual distribution of the commodities from the distribution centers to the recipients. In a few rare instances the state pays all of the

costs of certification, transportation, storage, and distribution, but normally the cost of getting the foods from the central state location to the districts and from the districts to the counties and individual recipients is borne by the individual counties.

A food stamp plan for the distribution of surplus foods through regular retail grocery stores has been authorized, but the Secretary of Agriculture has not put the plan into operation.

North Carolina officials desiring further information regarding the program should contact Mr. Jay P. Davis, North Carolina Department of Agriculture, Raleigh, North Carolina.

Credits: Cover photograph by Joseph Molitor. Inside front cover photograph by Tom Norris. Layout by Joyce Kachergis.

## 1960 CENSUS OF POPULATION — PRELIMINARY REPORTS

#### Table 1.-POPULATION OF THE STATE, BY COUNTIES, 1960 and 1950

(Minus sign (-) denotes decrease. Percent not shown where less than 0.1)

Alamance       85,886       71,220       19.9       Jones       11,008       11,008         Alexander       15,575       14,554       7.0       Lee       26,582       23,522         Anson       24,811       26,781       -7.4       Lincoln       28,674       27,453         Ashe       19,832       21,878       -9.4       McDowell       26,640       25,720         Avery       11,971       13,352       -10.3       Macoon       14,847       16,174         Beanfort       35,716       37,184       -3.8       Mation       17,060       20,522         Bertie       24,312       26,439       -8.0       Martin       27,072       27,938         Bladen       28,678       29,103       -3.5       Mccklenburg       270,066       197,062         Brunswick       20,128       19,288       4.6       Mitchell       13,887       15,143         Burke       52,344       45,518       15.0       Moore       36,643       33,129         Caharrus       67,667       63,783       6.1       Nash       60,811       59,919         Caharus       72,971       61,794       18.1       Northampton       26,943 <th>Percent</th>	Percent
Alexander       15,575       14,554       7.0       Lee       26,532       22,522       42,532       42,532       42,532       42,534       45,553         Anson       24,811       26,751       -7.4       Lincoln       22,874       45,953         Ashe       19,832       21,878       -9.4       McDowell       26,640       25,722       45,953         Avery       11,971       13,552       -10.3       Macon       14,847       16,171         Bentic       24,812       26,439       -8.0       Martin       27,072       27,938         Biden       25,678       29,703       -3.5       Mcklenburg       270,966       197,052         Brunswick       20,128       19,238       4.6       Mitchell       13,887       15,140         Buncembe       127,367       124,103       2.4       Montgomery       13,801       17,260         Bunke       52,349       45,518       15.0       Moore       36,643       33,122         Caldwell       49,415       43,552       14.0       New Hanover       71,412       69,272         Canden       5,583       5,282       6.9       Northampton       26,647       25,493	-4.9
Alexander       15,575       14,554       7.0       Lee       26,352       22,522       42,532       22,522       45,553         Alleghany       7,726       8,155       -5.3       Lenoir       55,272       45,553         Ashe       19,832       21,878       -9.4       McDowell       26,640       25,722       45,953         Avery       11,971       13,352       -10.3       Macon       14,847       16,173         Beartie       24,812       26,439       -8.0       Martin       27,072       27,933         Barden       28,678       29,073       -3.5       Mcklenburg       270,966       197,052         Brunswick       20,128       19,238       4.6       Mitchell       13,8487       15,143         Banceombe       127,367       124,103       2.4       Montgomery       13,801       17,260         Burke       52,349       45,518       15.0       Moore       36,643       33,122         Caldwell       49,415       43,552       14.0       New Hanover       71,412       69,272         Candren       5,583       5,223       6.9       Northampton       26,617       23,493         Catawba	
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Anson       24,811 $26,781$ $-7.4$ Linchn $28,874$ $27,456$ Ashe       19,832 $21,878$ $-9.4$ McDowell $26,640$ $25,720$ Avery       11,971 $13,352$ $-10.3$ Macon $14,847$ $16,171$ Bearlo $23,678$ $29,703$ $-3.5$ Maction $17,060$ $20,522$ Brunswick $20,128$ $19,238$ $4.6$ Mitchell $13,887$ $15,143$ Buncombe $127,367$ $124,403$ $2.4$ Montgomery $18,301$ $17,260$ Burke $52,349$ $45,518$ $15.0$ Moore $36,643$ $33,129$ Cabarus $67,667$ $63,783$ $6.1$ Nash $60,617$ $28,494$ Catawell $19,980$ $20,870$ $-4.3$ Orange $42,940$ $34,435$ Catawha $72,971$ $61,794$ $18.1$ Pantlico $9,810$ $9,960$ Charwa $26,635$ $25,392$ $4.9$ Pasquotank $25,398$ $24,347$ Charwa	20.3
Ashe         19,832         21,878 $-9.4$ McDowell         26,640         25,720           Avery         11,971         13,352 $-10.3$ Macon         14,847         16,174           Beaufort         23,5716         37,134 $-3.8$ Madison         17,060         22,0732           Biden         22,678         29,703 $-3.5$ Mecklenburg         27,076         127,937           Bincombe         127,367         124,403         2.4         Montgomery         18,301         17,260           Burke         52,324         45,518         15.0         Moore         36,613         33,129           Cabarrus         67,667         63,783         6.1         Nash         60,811         59,019           Cahwell         19,980         20,670 $-4.3$ Orange         42,944         42,047           Caswell         19,980         20,670 $-4.3$ Orange         42,944         34,315           Chewaa         11,640         12,540 $-7.2$ Perquimans         9,165         9,602           Clawbid         66,433         64,357         3.2         Prit         9,055         9,	5.2
Avery       11,971       13,352 $-10.3$ Macon       14,847       16,173         Beanfort       35,716       37,134 $-3.8$ Madison       17,060       20,522         Batden       22,678       29,703 $-3.5$ Macklenburg       270,966       197,052         Bunawick       20,128       19,238       4.6       Mitchell       13,857       15,144         Buncombe       127,967       124,403       2.4       Montgomery       18,301       17,260         Burke       52,349       45,518       15.0       Moore       36,643       33,129         Caldwell       49,415       43,352       14.0       New Hanover       71,412       69,272         Carteret       27,419       23,059       18.9       Onslow       83,494       42,047         Carteret       27,419       23,059       18.9       Onslow       83,494       42,047         Catawba       72,971       61,794       18.1       Pamilico       9,810       9,065         Catawba       22,971       61,794       18.1       Pandico       9,3165       9,602         Charban       26,635       25,392       -11.1       Pender <td>3.6</td>	3.6
Beaufort $35,716$ $37,134$ $-3.8$ Madison $17,060$ $20,522$ Bertie $24,312$ $26,439$ $-8.0$ Martin $27,072$ $27,936$ Brunswick $20,128$ $19,238$ $4.6$ Mitchell $13,887$ $15,143$ Buncombe $127,3761$ $124,403$ $2.4$ Montgomery $18,301$ $17,260$ Barke $52,349$ $45,518$ $15.0$ Moore $36,643$ $33,129$ Caldwell $49,415$ $43,352$ $14.0$ New Hanover $71,112$ $63,272$ Canden $5,583$ $5,223$ $6.9$ Northampton $26,617$ $28,492$ Catawell $19,980$ $20,570$ $-4.3$ Orange $42,940$ $34,432$ Catawba $72,971$ $61,794$ $18.1$ Pamlico $9,810$ $9,905$ Cherokee $16,268$ $18,294$ $-11.1$ Pender $18,456$ $18,423$ Chewan $11,640$ $12,540$ $-7.2$ Perguinans $9,165$ $9,060$	8.2
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Bladen         28,678         29,703 $-3.5$ Mecklenburg         270,966         197,052           Brunswick         20,128         19,238         4.6         Mitchell         13,887         15,143           Buncombe         127,367         124,403         2.4         Montgomery         18,301         17,260           Burke         52,349         45,518         15.0         Moore         36,643         33,129           Caldwell         49,415         43,352         14.0         New Hanover         71,412         63,272           Canden         5,583         5,223         6.9         Northampton         26,617         28,432           Carteret         27,971         61,794         18,1         Orange         42,940         34,435           Catawba         72,971         61,794         18,1         Pamlico         9,810         9,903           Chavba         11,640         12,540         -7.2         Perquinans         9,665         9,603           Clay         5,483         6,006         -8.7         Person         26,314         24,361           Chavba         146,516         96,005         16.5         Robeson         88,609         8	
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Halifax         58,816         58,377         0.8         Warren         19,757         23,539           Harnett         48,173         47,605         1.2         Washington         13,507         13,180           Haywood         39,505         37,631         5.0         Watauga         17,332         18,345	-2.4
Halifax       58,816       58,377       0.8       Warren       19,757       23,539         Harnett       48,173       47,605       1.2       Washington       13,507       13,180         Haywood       39,505       37,631       5.0       Watauga       17,332       18,344	23.7
Harnett         48,173         47,605         1.2         Washington         13,507         13,180           Haywood         39,505         37,631         5.0         Watauga         17,332         18,345	-16.1
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Holto 16360 15756 38 Wilkes 10,121 10,114	
Hyde 5,764 6,479 -11.0 Wilson 57,531 54,500	
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Jackson 17,699 19,261 -8.1 Yancey 14,023 16,306	-14.0

#### Table 2. - POPULATION OF INCORPORATED PLACES OF 1,000 INHABITANTS OR MORE: 1960 and 1950

(Minus sign (-) denotes decrease. Percent not shown where less than 0.1)

Incorporated place	1960	1950	Percent	Incorporated place	1960	1950	Percent
Aberdeen	1,516	1,603	-5.4	Fair Bluff	1,025	1,056	-2.9
Ahoskie		3,579	27.3	Fairmont		2,319	-0.3
Albemarle	12,214	11,798	3.5	Farmville		2,942	32.3
Andrews	1,400	1,397	0.2	Fayetteville	46,473	34,715	33.9
Angier	1,258	1,182	6.4	Forest City	6,574	4,971	32.2
Apex	1,354	1,065	27.1	Four Oaks		942	6.7
Archdale	1,519	1,218	24.7	Franklin	2,143	1,975	8.5
Asheboro	9,341	7,701	21.3	Franklinton	1,483	1,414	4.9
Asheville	58,747	53,000	10.8	Fremont	1,605	1,395	15.1
Aulander	1,085	$1,\!112$	-2.4	Fuquay Springs		1,992	69.3
Ayden	3,097	2,282	35.7	Garner	3,491	1,180	195.8
Beaufort	2,937	3,212	-8.6	Gaston	1,209	1,218	-0.7
Belhaven	2,365	2,528	-6.4	Gastonia	37,364	23,069	62.0
Belmont	5,001	5,330	-6.2	Gibsonville	1,288	1,866	-31.0
Benson	2,358	2,102	12.2	Goldsboro	31,111	21,454	45.0
Bessemer City	4,018	3,961	1.4	Graham	7,644	5,026	52.1
Bethel	1,574	1,402	12.3	Granite Falls	2,635	2,286	15.3
Beaulaville	1,066	724	47.2	Granite Quarry	_ 1,063	591	79.9
Biscoe	1,047	1,034	1.3	Greensboro	119,184	74,389	60.2
Black Mountain	1,282	$1,\!174$	9.2	Greenville	22,603	16,724	35.2
Boiling Springs	1,309	1,145	14.3	Grifton	1,827	510	258.2
Boone	3,663	2,973	23.2	Hamlet	4,449	5,061	-12.1
Brevard	- 4,855	3,908	24.2	Havelock <sup>1</sup>	2,422		
Bryson City	1,095	1,499	-27.0	Henderson	,	10,996	15.3
Burgaw	1,758	1,613	9.0	Hendersonville	5,826	6,103	-4.5
Burlington	32,548	24,560	32.5	Hertford	2,058	2,096	-1.8
Burnsville	1,368	1,341	2.0	Hickory		14,755	30.6
Canton	5,077	4,906	3.5	High Point		39,973	54.2
Carolina Beach	1,162	1,080	7.6	Hillsboro	1,347	1,329	1.4
Carrboro	1,998	1,795	11.3	Hope Mills	1,113	1,077	3.3
Carthage	1,185	1,194	-0.8	Hudson	1,536	922	66.6
Cary	$3,\!392$	1,466	134.6	Huntersville		916	9.5
Chadbourn	2,318	2,103	10.2	Jacksonville	13,441	3,960	239.4
Chapel Hill	12,624	9,177	37.6	Jonesville	1,894	1,768	7.1
Charlotte	200,882	134,042	49.9	Kenly	1,146	1,129	1.5
Cherryville	3,627	3,492	3.9	Kernersville	2,925	2,396	22.1
China Grove	1,502	1,491	0.7	Kings Mountain	8,256	7,206	14.6
Clayton	3,312	2,229	48.6	Kinston	24,663	$18,\!336$	34.5
Clinton	8,654	4,414	96.1	LaGrange	2,258	1,852	21.9
Coats	1,038	1,047	-0.9	Lake Waccamaw	4,072	575	608.2
Columbia	1,099	1,161	-5.3	Landis	1,754	1,827	-4.0
Concord	17,579	16,486	6.6	Laurinburg	8,231	$7,\!134$	15.4
Conover	2,273	1,164	95.3	Leaksville	6,458	4,045	59.7
Cornelius	1,433	1,548	-7.4	Lenoir	10,235	7,888	29.8
Dallas	3,254	2,454	32.6	Lexington	15,981	$13,\!571$	17.8
Davidson	2,614	2,423	7.9	Liberty	1,414	1,342	5.4
Draper	3,322	3,629	-8.5	Lillington	1,234	1,061	16.3
Drexel	1,140	988	15.4	Lincolnton	5,725	5,423	5.6
Dunn	7,547	6,316	19.5	Littleton	1,011	1.173	-13.8
Durham	79,398	71,311	11.3	Longview	2,978	2,291	30.0
East Spencer	2,165	2,444	-11.4	Louisburg	2,819	2,545	10.8
Edenton	4,424	4,468	-1.0	Lowell	2,795	2,313	20.8
Elizabeth City	13,818	12,685	8.9	Lumberton	15,136	9,186	64.8
Elkin	2,856	2,842	0.5	Madison	1,880	1,789	5.1
Elon College	1,276	1,109	15.1	Maiden	2,042	1,952	4.6
Enfield	2.976	2,361	26.0	Marion	3,340	2,740	21.9

<sup>1</sup>Incorporated since 1950.

Incorporated place	1960 to	1950	Percent	Incorporated place	1960 to	1950	Percent
Mars Hill	1,564	1,404	11.4	Sanford	12,281	10,013	22.7
Marshville	1,356	1,258	7.8	Scotland Neck	2,971	2,730	8.8
Maxton	1,715	1,974	-13.1	Selma	3,080	2,639	16.7
Mayodan	2,360	2,246	5.I	Shelby	17,666	15,508	13.9
Mebane	2,361	2,068	14.2	Siler Ci <sup>+</sup> y	4,140	2,501	77.5
Mocksville	2,385	1,909	24.9	Smithfield	6,115	5,574	9.7
Monroe	10,829	10,140	6.8	Snow Hill	1,034	946	9.3
Mooresville	6,875	7,121	-3.5	Southern Pines	5,188	4,272	21.4
Morehead City	5,596	5,144	8.8	Southport	1,973	1,748	12.9
Morganton	9,071	8,311	9.1	Sparta	1,047	820	27.7
Mount Airy	7,036	7,192	-2.2	Spencer	2,888	3.242	-10.9
Mount Gilead	1,226	1,201	2.1	Spindale	4,073	3,891	4.7
Mount Holly	4,024	2,241	79.6	Spray	4,544	5,542	-18.0
Mount Olive	4,642	3,732	24.4	Spring Hope	1,353	1,275	6.1
Mount Pleasant	1,042	1,019	2.3	Spring Lake <sup>1</sup>	4,087	1,210	0.1
Murfreesboro	2,619	2,140	22.4	Spruce Pine	2,526	2,280	10.8
Murphy	2,315	2,433	-8.9	Stanley	2,320 2,246	1,644	36.6
Nashville	1,413	1,302	8.5 8.5	Statesville	25,147	1,044 16,901	48.8
New Bern	15,716	1,502 15,812	-0.6	Swansboro	2,000	559	257.8
Newton	6,623	6,039	-0.0 9.7	Sylva	1,564	1,382	13.2
North Wilkesboro	4,195	,	-4.2	Tabor City		$^{1,302}_{2,033}$	$15.2 \\ 15.2$
Norwood		4,379		Tarboro	2,343		
Oxford	1,837	1,735	$5.9 \\ 3.7$	Taylorsville	8,401	$^{8,120}_{1,210}$	3.5
	6,933	6,685		Thomasville	1,463	1,310	11.7
Pembroke Bilet Menutein	1,376	1.212	13.5		15,090	11,154	35.3
Pilot Mountain	1,305	1,092	19.5	Troy	2.322	2,213	4.9
Pinetops Dimensill	1,353	1,031	31.2	Tryon	2,164	1,985	9.0
Pineville	1,506	1,373	9.7	Valdese	2,926	2,730	7.2
Pittsboro	1,200	1,094	9.7	Wadesboro	3,727	3,408	9.4
Plymouth	4,691	4,486	4.6	Wake Forest	2,645	3,704	-28.6
Raeford	3,060	2,030	50.7	Wallace	2,291	1,622	41.2
Raleigh	93,117	65,679	41.8	Walnut Cove	1,287	1,132	13.7
Ramseur	1,244	1,134	9.7	Warrenton	1,243	1,166	6.6
Randleman	2,233	2,066	8.1	Warsaw	2,218	1,598	38.8
Red Springs	3,027	2,245	34.8	Washington	9,774	9,698	0.8
Reidsville	14,169	11,708	21.0	Waynesville	6,096	5,295	15.1
Richlands	1,078	877	22.9	Weaverville	1,035	1,111	-6.8
Rich Square	1,129	971	16.3	Weldon	_ 2,152	2,295	-6.2
Roanoke Rapids	13,312	8,156	63.2	Wendell	1,644	1,253	31.2
Robbins	1,297	1,158	12.0	West Jefferson	1,006	871	15.5
Robersonville	1,687	1,414	19.3	Whiteville	4,694	4,238	10.8
Rockingham	5,437	3,356	62.0	Wilkesboro	1,561	1,370	13.9
Rocky Mount	32,021	$27,\!697$	15.6	Williamston	6,918	4,975	39.1
Roseboro	1,348	1,241	8.6	Wilmington	42,675	45,043	-5.3
Rose Hill	1,289	896	43.9	Wilson	28,578	23,010	24.2
Rowland	1,375	1,293	6.3	Wingate	_ 1,295	793	63.3
Roxboro	5,141	4,321	19.0	Winston-Salem	110,446	87,811	25.8
Rutherfordton	3,398	3,146	8.0	Winterville	1,423	870	63.6
St. Pauls _	$_{-}$ 1,203	2,251	-46.6	Yadkinville	1,643	820	100.4
Salisbury	21,206	20,102	5.5	Zebulon	1,522	1,378	10.4
				<sup>1</sup> Incorporated since 19	50.		

EDITOR'S NOTE: The above data are taken from 1960 Census of Population Reports (PC(PI)35) issued by the U.S. Bureau of the Census in August 1960. These preliminary figures will be superseded by the final counts to be issued between August and November 1960. At the time of going to press, these figures were not yet released. No ehange, however, is anticipated. The first eensus to be made was taken in 1790 and one has been taken each succeeding decade. In addition to these decennial censuses, which have covered numerous subjects, special censuses have been taken on agriculture, business, government, housing, industry, among others. For a complete list, see Catalog of United States Census Publications, 1790-1945 (Washington: Government Printing Office, 1950) and subsequent annual volumes. Pictured here is the western front of the Joseph Pal mer Knapp building, home of the Institute of Government. The research and teaching wing of the building contains twenty-four staff offices; seminar rooms for smaller groups; classrooms for groups ranging in size from fifty to seventyfive to one hundred; an anditorium equipped with visual aids for teaching purposes; and laboratory space for demonstrating differing methods, practices, and techniques in government.

kitchen. In the bedroom wing are sixty-five double rooms with twin beds, closets, and connecting baths; with book shelves, chairs, desks, and lamps for study and writing; and living rooms on all floors for the use of students and their visitors.

The administrative coing contains offices for administrative personnel; secretarial space; reception center and conference rooms; library and publication center; mailing and storage rooms; and a staff lounge, roof deck, and small Institute of Government University of North Carolina

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