

POPULAR GOVERNMENT

October 1962



In This Issue

Recent Developments in Juvenile Court Law

Comfort in the City



POPULAR GOVERNMENT

Published by the Institute of Government

Contents

Recent Developments in Juvenile Court Law by Roddey M. Ligon, Jr.	1
Notes From Cities and Counties	5
Comfort in the City by Anthony Lord	6
Current Institute of Government Publications	7
Institute of Government Schools, Meetings, and Conferences	11
Superior Court Clerks Award Plaques to Past Presidents	12
The Attorney General's Rules	14
Book Reviews	16
Watts Wins Award	Inside back cover

Vol. 29

October, 1962

No. 2

POPULAR GOVERNMENT is published monthly except January, July and August by the Institute of Government, the University of North Carolina, Chapel Hill. Editorial, business and advertising address: Box 990, Chapel Hill, N. C. Subscription: per year, \$3.00; single copy, 35 cents. Advertising rates furnished on request. Entered as second class matter at the Post Office, Chapel Hill, N. C. The material printed herein may be quoted provided proper credit is given to POPULAR GOVERNMENT.



The Institute of Government conducts basic and in-service training schools for the State Highway Patrol throughout the year. The cover picture was taken at a basic training school during the summer. Assistant Director Neal Forney (standing, left) of the Institute of Government, in charge of patrol program for the Institute, is shown with three patrol training officers and two class members. Training officers (standing), are Sergeants J. B. Clark, Bruce Griffith, and G. A. Stewart. The patrol trainees (seated) are troopers Wilbur E. Blackley and Billy E. Day, who were selected to speak at graduation.

Director

John L. Sanders

Editor

Elmer Oettinger

Staff

Clyde L. Ball

V. L. Bounds

Robert G. Byrd

George H. Esser, Jr.

Neal Forney

Philip P. Green, Jr.

Robert L. Gunn

Donald Hayman

Milton S. Heath, Jr.

C. E. Hinsdale

Henry W. Lewis

Roddey M. Ligon, Jr.

Ruth L. Mace

Allan W. Markham

Olga M. Palotai

David N. Smith

Robert E. Stipe

L. Poindexter Watts

Warren Jake Wicker



RECENT DEVELOPMENTS in Juvenile Court Law

by Roddey M. Ligon, Jr.

Assistant Director, Institute of Government

The following discussion is a summary of materials prepared for presentation of a talk on "Recent Developments in Juvenile Court Law" made by the author at the 1962 Blue Ridge Training Institute for Southern Juvenile Court Judges. This summary is being included in this publication on the theory that persons interested in juvenile court law and procedures in North Carolina will be interested in comparing what is going on around the country with our own law and procedures. The statutes and cases included herein were enacted or decided within the past fourteen months.

Statutory Developments

ALABAMA

A Family Court Division of the Circuit Court is created in counties with a population of not less than 110,000 nor more than 160,000. This new division will handle all cases and proceedings involving divorces, annulments, custody and support of children, granting and enforcing of alimony, proceedings under the Reciprocal Non-Support Act and all other domestic and marital matters of which the Circuit Court has jurisdiction.

A juvenile is defined in the new statute as a boy or girl under 18. The old law was 16 or under. [This makes North Carolina one of 4 states that still has an age limitation of 16 or under.] A new judgeship is created in each county to preside over the Family Court Division and these judges have equal standing with Cir-

cuit Court judges. The judge of the family court appoints a chief probation officer for said court and such other probation officers as may be necessary to properly administer the functions of the court. The family court does not have jurisdiction of traffic violations by juveniles, but chronic violators may be assigned to it by the circuit court.

In counties with populations of not less than 49,500 and not more than 50,000 which have statutory inferior courts exercising juvenile court jurisdiction, the judge of such court may appoint a juvenile court officer to conduct investigations and make reports in juvenile cases.

[In addition to the Family Court Division authorized by the 1961 amendments, Alabama has a domestic relations division of the circuit court in all counties of not less than 225,000 population and not more

than 500,000. All counties of not less than 94,000 population and not more than 134,000 are authorized to set up a probation department to handle juvenile matters. In all other counties in the state, the probate court sits as the juvenile court insofar as the enforcement of the chapter of the Ala. Code dealing with juvenile delinquency is concerned.]

CALIFORNIA

Rather extensive changes were made in the juvenile court laws of California. These included the establishment of a juvenile justice commission, consisting of a minimum of seven citizens for each county; or, a larger commission on a regional basis. It is the duty of the commission to inquire into the administration of the juvenile court law in the county or region. The commission is to have access to all publicly administered institutions situated in the county or region and is to inspect such institutions no less frequently than once a year. The commission may hold hearings. The juvenile court judge has the power to issue subpoenas requiring attendance and testimony of witnesses and production of papers at hearings of the commission.

Of the one or more referees who may be appointed to hear cases by the juvenile court judge, a new provision requires that a referee must have been a member of the bar for five years or have had five years experience in probation work at the supervising level or a combination of both. Referees may hear cases and make findings but the parent or guardian may have such cases reviewed by the juvenile court judge. No order of a referee removing a minor from his home is to become effective until expressly approved by the juvenile court judge. The judge of the juvenile court may require that all orders of referees be approved before becoming effective.

The judge of the juvenile court may appoint one or more persons who may be municipal court judges or justice court judges or probation officers or assistant or deputy probation officers to serve as traffic hearing officers. Traffic hearing officers may hear and dispose of any and all cases wherein a minor under 18 is charged with any violation of the Vehicle Code not declared to be a felony, or violation of an ordinance of a city or county relating to traffic matters.

At the direction and under the supervision of the Judicial Council, the judges and referees are to meet at least annually in state-wide or regional conferences to discuss problems arising in the course of administration and for the purpose of improving the administration of justice. The Judicial Council is to establish rules governing practice and procedure in the juvenile court.

There is to be in each county the offices of probation officer, assistant probation officer and deputy probation officer. The probation officers are nominated by the juvenile justice commission and appointed by the juvenile judge. The probation officer may appoint as many deputy or assistant probation officers as he desires, but they have no authority to act until their appointments are approved by a majority vote of the members of the juvenile justice commission and by the juvenile judge.

The juvenile court must appoint counsel to represent the alleged delinquent juvenile when the delinquency charged would be a felony if committed by an adult. One attorney may be appointed for the parent and another for the minor if there is a conflict of interests. If the minor is detained, such detainment must be for no more than 15 days in

the juvenile hall. There is to be a court reporter. At the hearing, objections to evidence are deemed to have been made if the minor is not represented by counsel. Social studies may be received in evidence, and the juvenile court judge may request the services of psychiatrists, psychologists and clinical experts.

FLORIDA

A new provision in the Florida law allows juvenile court records relating to traffic violations to be inspected by the public. All other records may be inspected only upon order of the judge.

IDAHO

Idaho, in 1961, became a party to the Interstate Compact on Juveniles.

ILLINOIS

A new Illinois statute provides that the Department of Mental Health is to maintain and operate an Institute for Juvenile Research. It is the duty of the Institute to conduct scientific studies relating to the diagnosis and treatment of children who are delinquent, emotionally disturbed, mentally ill, mentally defective, or socially maladjusted, or who are in danger of becoming so, to the end that delinquency, crime, mental disorders and other forms of human maladjustment may be prevented. The Institute is to make personal examinations and social studies of such children in the custody or under the control of the Department or of any court, school, public or private social agency or parent or guardian.

Illinois also adopted the Interstate Compact on Juveniles in 1961.

The Public Defender may act as attorney and counsellor at law, without fee, before the Family Court in juvenile delinquency cases in all counties for any person whom the court finds is unable to employ counsel.



IOWA

The Governor of Iowa is also authorized to enter into the Interstate Compact on Juveniles with any other state or states legally joined therein.

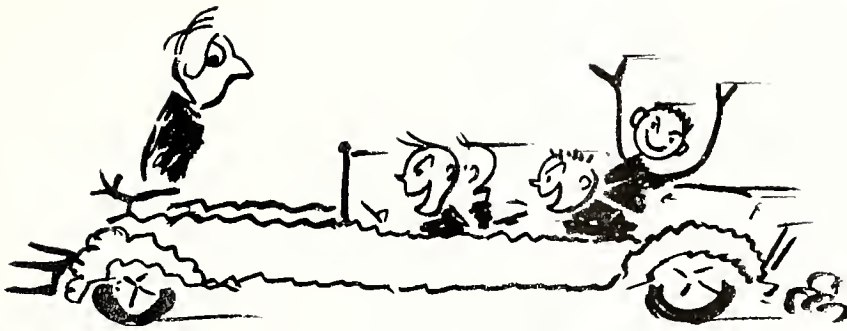
MINNESOTA

The principal changes in Minnesota include: juvenile traffic offenders under 18 are brought under the jurisdiction of the juvenile court; the judge of the juvenile court may appoint one or more court reporters; juvenile court judges may attend the Institute for Judges of Juvenile Courts established by the University of Minnesota, and may attend national or regional conferences similar to the state conference; no photos of a child taken into custody for any purpose may be taken without the consent of the juvenile court; and the court may recommend to the commissioner of highways the cancellation of the child's license for any period up to the child's eighteenth birthday when the court feels that this is in the best interest of the child and public safety, and the commissioner is authorized to cancel such license without a hearing. At any time before the termination of the period of cancellation, the court may, for good cause, recommend to the commissioner of highways that the child be authorized to apply for a new license, and the commissioner may so authorize.

Another new provision authorizes the court to expunge an adjudication of delinquency at any time that it deems advisable (was 90 days), except when the legal custody is transferred.

MONTANA

A new section in the Montana law provides: "In the hearing of any juvenile case . . . the general public shall be excluded and only such persons admitted as have a direct interest in the case; provided, however, that whenever the hearing in the juvenile court is had on a written petition charging the commission of any felony, persons having a legitimate interest in the proceeding, including responsible representatives of public information media, shall not be excluded from such hearing." No publicity is to be given to the identity of an arrested juvenile or to any matter or proceeding in the juvenile court involving children proceeded against as, or found to be, delinquent children, except where a hearing or proceeding is had in the juvenile court on a written petition charging the commission of a felony.



NEVADA

A new Nevada section provides that the judge may appoint an attorney to represent any child or any adult less than 21 in any proceeding in which the court has jurisdiction under the provisions of the juvenile court chapter if it appears that such person is unable to employ counsel.

NEW YORK

Efforts toward court reform in the juvenile and domestic relations area have been under way for several years in New York. These efforts culminated in the adoption this year of a Family Court Act very broad in scope.

The New Family Court Act, which becomes effective September 1, 1962, establishes a state-wide Family Court which replaces the Domestic Relations Court of New York City and the Children's Courts in the 57 counties of the state. Quoting from the Governor's Memorandum of Approval of the new Act: "The new Court has jurisdiction over all aspects of family life, except actions for separation, annulment or divorce that were constitutionally reserved to the Supreme Court. Its jurisdiction is exclusive over neglect, paternity, family offenses, and juvenile delinquency proceedings. It has jurisdiction over conciliation proceedings. Effective Sept. 1, 1964, the Court will have exclusive jurisdiction over adoption proceedings and until then, concurrent jurisdiction with the Surrogate's Courts. . . . The new bill also establishes a program of law guardians—counsel appointed to represent children in delinquency and neglect proceedings. . . . The Legal Aid Societies, in each county where such a society exists, may under contract negotiated by the Appellate Divisions, where practicable, supply full-time attorneys. Costs are payable by the state. To screen out cases not requiring judicial attention, the Family Court Act calls for effective 'intake' procedures. This involves the probation service, which is also expected to utilize its special knowledge and skills. . . ."

The existing 16 year age limit on the application of the law of juvenile delinquency was continued pending a study of this that is presently under way.

The child's religion is to be respected insofar as practicable when he is placed with an agency or in an institution or with a family or when guardians and guardians ad litem are appointed.

The judges of the family court must have been admitted to the practice of law for at least ten years. County judges are elected with unexpired vacancies being filled by the Governor.

Records of proceedings are not open to indiscriminate public inspection, but the court may permit such inspection in its discretion.

The family courts in the several counties may work together in many ways, such as enforcing or modifying the orders of another county, transferring venue, or by enforcing the order of probation of another county when the parties move into the enforcing county. So far as practicable rules of court and court forms are to be uniform throughout the state.

An interesting aspect of the Act is a provision to the effect that the rules of court may provide for a support bureau of the court. The support bureau is to receive and disburse funds paid pursuant to any order of support specifying that the support payments are to be deposited with the bureau. Employers are authorized and required to report to the court, when so requested, full information as to the earnings of a petitioner or respondent in support and paternity proceedings.

The Act declares that minors have a right to the assistance of counsel of their own choosing or of law guardians in neglect proceedings, proceedings to determine juvenile delinquency, and proceedings to determine whether a person is in need of supervision. A "law guardian" is an attorney admitted to practice law in the state and designated to represent

minors in proceedings involving neglect and juvenile delinquency. The Appellate Division may enter into agreements with legal aid societies to provide legal guardians on a cost basis. Or, the Appellate Division may designate a panel of law guardians for the court or may invite any county bar association to recommend persons for consideration by the Appellate Division as law guardians. A fee schedule is provided. At the request of a minor or on request of a parent, the court is to appoint a legal guardian to represent such minor if independent legal representation is not available by reason of inability to pay or other circumstances. The court may make appointments on its own motion.

The family court in each county is to have a probation service. This service may include volunteer probation officers when necessary, provided they have the qualifications required of salaried officers, but no volunteer probation officer is to be a chief probation officer or receive pay from public funds for his services. The family court shall have such other auxiliary services as will serve the purposes of the act and as are within its authorized appropriation.

Provisions are made for the temporary removal of a child from his home before a hearing by the judge or a probation officer. In this connection the Act also provides that a peace officer may remove a child from his home without an order and without the consent of the parent or other person, regardless of whether the parent or other person is absent from the home, if (a) the child is in such condition that his continuing in the home presents an imminent danger to the child's life or health; and (b) there is not enough time to apply for an order. If a peace officer removes a child, he is to (a) bring the child immediately to a place designated by rules of court; (b) inform the parent or other person of the facility to which he has brought the child; and (c) inform the probation service of the removal.

If a parent was absent from the hearing, he may get a rehearing unless the court finds that the parent willfully refused to appear at the hearing after receiving notice. The general public may be excluded from any hearing under this article and only such persons and the representatives of authorized agencies may be admitted thereto as have an interest in the case.

The hearings are in two parts: first

there is an "adjudicatory hearing" which means a hearing to determine whether the allegations of a petition are supported by a fair preponderance of the evidence. The second part is the "dispositional hearing" which means a hearing to determine what order of disposition should be made.

Reports prepared by the probation service or a duly authorized agency for use by the court at any time prior to the making of an order of disposition shall be deemed confidential information furnished to the court which the court in a proper case may, in its discretion, withhold from or disclose in whole or in part to the law guardian, counsel, party in interest, or other appropriate person. Such reports may not be furnished to the court prior to the completion of an adjudicatory hearing, but may be used in a dispositional hearing. At the conclusion of an adjudicatory hearing and after the court has made findings required before a dispositional hearing may commence, the court may adjourn the proceedings to enable it to make inquiry into the surroundings, conditions, and capacities of the involved in the proceedings.

What appears to be an unusual provision is a Section establishing a civil proceeding for dealing with instances of disorderly conduct and assaults between members of a family. It authorizes the family court to enter orders of protection and support and contemplates conciliation proceedings. If the family court concludes that these processes are inappropriate in a particular case, it is authorized to transfer the proceeding to criminal court. When such offenses are brought in the criminal court, they are to be transferred to the family court unless it came there from the family court. The family court, after transfer to the criminal court, may reconsider and rescind the transfer at any time before a conviction has been entered. After a final disposition in the family court, there cannot be a subsequent criminal proceeding based on the same acts.

Another article makes available an informal conciliation procedure for those whose marriage is in trouble. A spouse may originate a conciliation proceeding under this article by filing a petition stating that his or her marriage is in difficulty and that the conciliation services of the family court are needed.

NORTH DAKOTA

A North Dakota amendment provides that in the placement of chil-

dren, due regard must be given to the religious faith held by the parents of the child and, insofar as practicable, the child is to be placed with a family or institution holding or representing the same religious faith.

OKLAHOMA

A new Oklahoma section states that in trials under the Dependent and Delinquent Children Article, the child informed against, or any person interested in such child, shall have the right to demand a trial by jury, which shall be granted unless waived. Or, the judge on his own motion may call a jury to try any such case, provided the judge may, if he deems it necessary or expedient, proceed to the selection of such jury in the same manner as provided for the selection of jurors by justices of the peace.

RHODE ISLAND

The 1961 Rhode Island Legislature passed a "Family Court Act." It creates one family court for the state consisting of a chief judge and four associate justices to hear and determine all petitions for divorce absolute and bed and board, all motions for allowance, alimony, custody and support of children, matters relating to delinquent, wayward, dependent, neglected or mentally defective or mentally disordered children 16 and under, adoption, paternity suits and child marriages.

In all the above causes the family court is to seek to reconcile the parties and to re-establish friendly family relations and to this end may suggest and hold conferences in chambers with the parties and with their counsel when represented, and may have the children brought before it for examination. Within the court there is a family counseling service. The court is authorized to use existing private and public family and other service agencies in the functioning of such counseling service. The department of social welfare is to provide for the court the services of such physicians, psychiatrists, experts and consultants approved by the court as may be necessary to accomplish the purposes for which the court is established.

To insure procedures for screening and intake of juvenile offenders, there is established within the department of social welfare a receiving and screening unit for initial isolation, detention and clinical (both physical and psychiatric) examination and study of juveniles before a decision is reached in their case.

There is also a Youth Correctional Center to which the family court may

commit any juvenile whose behavior problem is such that the court shall deem it inexpedient to place him with his parents or in the training schools or with other agencies.

In the hearing of a case, the general public is excluded and only attorneys and others having a direct interest in the case are allowed to attend. All cases involving children are heard separate and apart from the trial of cases against adults.

TENNESSEE

Tennessee has enacted legislation establishing forestry camps in conjunction with the Vocational Training Schools for Boys. The purpose of the camps is to rehabilitate delinquents. Camp personnel are made up of social workers. A classification committee headed by a classification officer screens the boys in the different schools and assigns them to camps. The juvenile courts may not commit boys directly to the forestry camps.

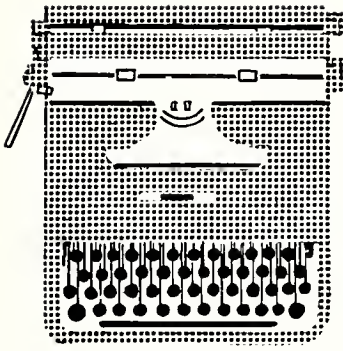
UTAH

Utah legislation establishes a committee on children and youth consisting of 12 members. Four members are to be the state supervisor of public instruction, the director of the state board of health, the chairman of the public welfare commission, and the chairman of the industrial commission. The other eight are appointed by the Governor. The purpose of the committee is to advance and promote the welfare of children and youth through advising and co-ordinating existing organizations and programs serving youth; stimulating research and collecting, disseminating, and interpreting information; and encouraging the development of and demonstrating sound services and programs. The committee has the power to appoint state, regional, and local committees and citizens advisory groups to sponsor an annual conference of citizens.

CASE LAW DEVELOPMENTS

Perhaps the most important of the juvenile court cases decided during the past year is that of *In Re Drake*, 180 N.E. 2d 646 (Ohio 1961). The reasons for its importance are twofold: 1) the precise point adjudicated had not previously been decided (according to the court) and 2) the case opens up the question of whether or not dependence upon public support should be given consideration in decisions relating to the removal or

CONTINUED ON PAGE 12



● NOTES FROM . . .

CITIES AND COUNTIES

The **GREENSBORO** City Council recently ratified an application to the Local Government Commission for approval, advertisement and sale of \$70,000 in water bond anticipation notes and \$400,000 in Municipal Building anticipation notes.

H. Guy McCall, 53, **STONEVILLE** chief of police, died August 10 at his home after suffering a heart attack. He was president of the Rockingham County Police Officers Association.

The city of **LUMBERTON** has come to an agreement to lease the municipal airport to a Rocky Mount firm. Plans call for shops to be established for service and modification of aircraft, with future construction of additional buildings and hangers also scheduled.

The **HIGH POINT** City Council has given official approval to an urban renewal project for the city. The action climaxed months of planning for the project which is aimed at revitalizing a large area in the east central section of the city.

The city school board of **LEXINGTON** has voted to stick with original plans for a single new junior high school building rather than construction of two new junior high buildings. The present junior high building, not considered satisfactory in a growing school program, would be made available for a community college building if the need arises.

The three-year-old **FAIRBROOK** Volunteer Fire Department has held its first open house. The department has completed construction of a two-story addition and a complete remodeling of the old portion of the building. Part of the equipment shown was a Jeep converted to a portable power plant to supply electricity for emergency lighting needed for night fire fighting.

RALEIGH'S senior city planner, Milton Perry, has taken a position with the community planning division of the State Department of Conservation and Development.

WRIGHTSVILLE BEACH is the

location for a \$7.1 million salt water conversion facility now under construction. Recently the cornerstone for the facility was laid in ceremonies attended by Charles F. MacGowan, Director of the Office of Saline Water. The plant, one of five the federal government will construct is expected to provide 250,000 gallons of water daily using a freezing method to separate salt from sea water and make it usable.

A preliminary loan of \$39,500 to the **LEXINGTON** Housing Authority by the Public Housing Administration in Washington has been announced. The funds will enable the Lexington commission to begin preliminary planning for 230 low-rent housing units.

GASTONIA will be the first city under 50,000 in North Carolina to put into operation a breath analyzer to measure the amount of alcohol in the blood stream of a person charged with drunk driving. The \$646 machine will be available to all city and county law enforcement agencies.

HENDERSON Fire Chief Roy E. Gupton has been named vice-president for North Carolina by the Southeastern Association of Fire Chiefs, a division of the International Association of Fire Chiefs. Gupton will serve a one-year term, and will also be a member of the board of directors.

WENDELL'S new town manager, Alvin Kornegay, Jr., has taken over his duties. He was formerly town clerk at Pine Level in Johnston County.

Hugh Gray Cooper has been employed as **SELMA'S** first city manager. Cooper, an engineer, will begin his duties in the position on September 1.

KERNERSVILLE'S new city manager is Stacy Thomas who assumed his duties on August 20. Thomas was formerly the city manager at Carolina Beach.

A water contract between the **CITY OF HICKORY** and the **TOWN OF BROOKFORD** has been agreed upon by the Brookford Town Board of

Commissioners. The contract calls for an increase in the water rates. Brookford purchases its water from Hickory and then resells it to the residents and businesses in Brookford.

Mrs. Annie Lou Scott, **SANFORD** postmaster since 1935, has retired. She is succeeded by Assistant Postmaster E. A. Griffin.

Four men in the **GASTON** Rural Police force have won promotions, according to an announcement by Chief R. J. Stroup. Those promoted were: Sid C. Lovelace from Corporal to Sergeant; Charles Scoggins, Allen Bridges and Ralph E. Miller to Corporal. The men were promoted in order to give what Chief Stroup called a better balance in command of the three shifts and better coordination among them.

GRAHAM City Clerk Larry J. Ohleyer has resigned after five years as Graham's city clerk, tax collector, treasurer, clerk of court and secretary to the City Council.

The **ORANGE** County Board of Commissioners has formally adopted the 1962-63 budget of \$2,190,000 and a tax rate of \$1.10 per \$100 valuation.

The *Gastonia Gazette* editorialized recently that **GASTON** County might well consider consolidation of its three school units under one administration. The editorial pointed out that due to three different school systems and a tax setup filled with inconsistencies and inadequacies, Gaston residents are getting from their efforts what they should. The article urged the county commissioners to appoint a Citizens Committee for Better Schools whose duty it would be to evaluate the situation and decide whether or not now is the time for consolidation.

Dr. R. E. Fox, for the past 14 years Director of the **STANLY** County Health Department, has tendered his resignation effective August 31. Dr. Fox had accepted a similar position with the Department in Greenville and began work there September 1.

COMFORT in the CITY

by **Anthony Lord** *Fellow, American Institute of Architects*

Introductory Note:

Early in February of this year, an unusual and remarkably successful meeting was held at the Institute of Government. The occasion was a seminar on the subject of "Perception and Environment: The Foundations of Urban Design," sponsored by the Institute of Government and the North Carolina Section of the American Institute of Planners, and attended by more than 60 city planners, architects, city managers and other professionals from throughout North Carolina.

The seminar was unusual in several respects. First, the subject of the meeting was admittedly one which was acknowledged to be of little, if any, immediate usefulness or practicality to the governmental officials who participated. Experimental as it was, this was a decided departure from the typical format of Institute

schools and conferences.

Second, it was unusual in that the seminar dealt with a subject area in which there are many more subjective opinions than there are objective, measurable goals or procedures. The design and appearance of cities, and the impact of the "looks" of a city on the lives of its inhabitants, is a difficult subject to define, let alone to discuss in a systematic fashion. This seminar, however, reflected a conscious attempt to steer clear of the problems involved in HOW to design cities, and to delve more deeply into the subject of WHY people react to cities as they do. It was an attempt, in other words, to try to begin to understand why many people find such aspects of the urban scene as parks, billboards, skyscrapers, power poles, and so on, either pleasurable or distasteful.

To conduct the seminar discussions,

faculty members in many fields of academic activity—including psychology, landscape design, psychiatry, music, city planning and anthropology—were obtained from the University of North Carolina, North Carolina State College, and Duke University. Leading professionals in the field of planning, architecture, and design also contributed, and the collected papers of all of these seminar participants will be published by the Institute of Government within the next few months.

In the meantime, the seminar paper prepared by Mr. Anthony Lord of Asheville is set forth below. Mr. Lord is a well known North Carolina architect and a principal in the firm of Six Associates, Inc. of Asheville. He is also a Fellow of the American Institute of Architects and a past-President of its North Carolina Chapter.

[Robert E. Stipe]

I'm afraid that such faint and distant thunder as I might have been able to offer has been pretty well stolen by previous speakers. The Architect likes to imagine that his hunting ground includes many of the coverts commonly shot over by most of the other participants in this seminar and these are now well cleared. But anyway, I would like to begin by poaching a little on the preserves of Mr. Stipe who, in the first prospectus of the seminar referred frequently to beauty in connection with urban design. I find, after some reflection, that I shy away from the word "beauty" as standing for the element in cities for which we are all looking. Maybe beauty is what we are talking about, but I think it's not what we ought to be talking about. Perhaps we could substitute for it "sense of well-being" or "comfort." Maybe comfort has a larger place in the "total sensory and psychological impact" of the sur-

roundings than beauty.

One of the objectives of urban design, then, would be to produce in the occupant of the city the sense of well-being. In this, surely beauty is one element, but only one, since in cities, as in women, beauty is only skin deep. There is more to it than the surface loveliness of things and there may be good solid comfort in accustomed ugliness. This may have something to do with the reluctance of many of the powers-that-be to redevelop and could be explored further.

A British worthy, by name Sir Henry Wotton, perhaps a disciple of Palladio's, said the essentials of architecture were commodity, firmness and delight. Certainly in urban design commodity is as much to the point as delight, but I believe we are taking for granted that we know how to achieve commodity and are considering only the delight. Only I say

delight in the field of our discussion is comfort as much as beauty. Firmness is not an element in our discussion. Our problem, then, is one of trying to deploy our resources of space, open and enclosed, our sunlight and our shadow, our flora and our greensward, our bricks, our sticks, our stones, fountains and sculpture, and our other elements, in such a way as to please and put at ease our friends and fellow citizens. I think you can't do this merely by providing beautiful surroundings. Beautiful surroundings can be beautiful and still chilling; can be chaste and inhospitable; can be monumental and dwarf the beholder; can be reserved and repel him. Our design must be such as to put our man at ease, to flatter him, to make him feel important and to keep him entertained.

Criteria for Design

Now, in order to get started, we can say there are certain desirable

elements in urban design and we can list them. Then we can take a brief look to see how we can create or retain these elements and how we can use other items in our little bag of tricks so as to set a favorable stage for those who use our city and who are, in turn, actors and spectators, and who will make our setting come alive.

Of course, we are talking about cities for the man on foot. Everybody who discusses cities talks about the pedestrian and I guess this is justifiable because what good is a city to a man in an automobile. I suspect it's just a frustration and, anyhow, this is another part of the forest.

Let's say, first, that we want a change of pace in our surroundings. We want them to be exciting. If the city is to be stimulating it is essential that it have some of the elements of a musical composition: It must march, it must dance, it must be pensive or introspective. Sometimes loud; sometimes soft.

As a means to this and other ends, we need many different sizes and shapes of spaces surrounded or defined by different sorts of solids or surfaces. These are the real fundamentals which we have at our disposal. Solid and void. We can use them—when they are supplemented—in many ways to set pace and to make variety.

For instance, we want open space, but not too much, not endless vistas but well scaled squares. Man is happier and feels more secure with walls on two or three sides of him. There are endless changes that we can make in this square, but basically it must compliment the people who occupy it by making them feel that they are an essential part of its composition.

Second, we want the narrow street, full of people, full of activity, full of noise, full of exciting incident and episode. If this street rises or curves out of sight, it teases us always further along. Much as we enjoy the boulevard, the crooked, medieval street has also its qualities. We are made comfortable by its intimacy as we are entertained by its variety.

Third, we need as change of pace the serenity of shade and tree. We need in summer to reduce the glare, to soften the brilliance of the sky; and in winter we need the delicate sculpture of the tree structure to break and soften the harshness of the horizon if our square opens out upon the country, or of the roof tops

if it surrounds us.

Fourth, we need, if we can afford it, some small bit of magnificence, some opulent luxury in which we can somehow claim a share. I have in mind the public gardens in Nîmes, the old Roman capital in the Midi. These gardens, built where once were Roman baths, have an indescribable intimacy and charm joined with a magnificence which I am sure by itself instills in each citizen of Nîmes a radiant pride in his city. In these gardens he is the part owner—he is the momentary sole owner—of something unique and unmatched. Of these things in part is civic pride compounded; and with civic pride, without smugness, there is no limit; to our achievement.

Fifth, we want in our urban make-up small, intimate, crossroads. Little meeting places which may happen by accident or, far better, if we are sufficiently clairvoyant, by design. If these spots can somehow have roots in the past and be in some way historically significant, they can be many times more effective. These, happily sometimes, are arranged in such a way that part of the people using them form the spectacle for the other part so that, as we said earlier, actors and audience continually interchange. Tivoli Garden in Copenhagen has such areas; the Spanish Steps in Rome do this thing enchantingly.

Sixth, we should take advantage of what nature has to offer and, if nature has been illiberal, we should try to make up for her shortcomings. In my area we have magnificent mountain vistas which we would be shrewd to make the most of, but which we currently neglect. Almost anybody can have tree-shaded avenues if they will take the least bit of trouble.

Now I will try to touch briefly on what I believe I was supposed to talk about; namely, what can we do with bricks, mortar and paving block to come by these pleasant things about which we have been talking.

Human Scale

I suppose the best way of making people feel important in their city surroundings is to scale the surroundings to the person, and not to some set of false standards of automobile traffic or real estate values. I mourn for Park Avenue. Park Avenue was once well scaled; a good, somberly dignified, rather dingy, expensive looking street, and I can remember walking down it in the winter of 1922 feeling entirely comfortable and quite consequential. The

area may be revitalized but now serenity is gone, the scale is gone, and with it any sense of comfort. And surely no dignity remains. In individual buildings—yes, now and then; but in the street—no.

It is surely possible so to dispose one's surroundings as to give one that modicum of self esteem which is necessary to existence. Perhaps we can even create for our harried city dweller some sense of leisure, some recall of a more spacious and less demanding era. The tiny square with two or three benches, some grass, the shade tree or two so often found in the Continental city, and now being built through old sections of Philadelphia; the place, as Lewis Mumford says, "for lovers and for friends," can perhaps fill this need. This may be one of the devices which can help rescue the "vast gray areas" of which Mr. Stipe speaks. And this little quarter acre park has to be done thoughtfully. It must be well scaled even if it is no more than a wide place in the street. But I am sure that any park is better than no park. All our towns are woefully short on this score.

As for the interest and excitement of the urban scene, it often derives from something entirely other than architecture and perhaps the designer can help here only in contriving a useful and flexible stage for the action that makes the interest. Mr. Browning knew about this—you know, Elizabeth Barrett's husband. He said "Bang, whang, whang goes the drum; ttole te tootle the fife. Oh, a day in the city's square; there's no such pleasure in life."

We can, I devoutly hope, do something about the surfaces on which we walk. Perhaps there is more possibility of improvement in appearance of paving than in any other single change except that which could result from the elimination of overhead electrical lines and equipment.

When you analyze the cityscape you find that, while you are in motion anyway, two-thirds of your field of vision is occupied by the surface on which you walk. Generally, "beat up" concrete sidewalks, mended, patch upon diverse patch, are one of the saddest aspects of our cities. Pleasant paving has such wonderful possibilities for variety and decoration, as well as practical definition of area, that it is cruel to see it so completely neglected.

As for overhead utilities, they are perhaps more of an evil than the

CONTINUED ON INSIDE BACK COVER

Current Institute of Government PUBLICATIONS

The following publications of the Institute of Government relevant to city and county government were current and available as of September 1, 1962, at the prices shown. A few current items are not listed because supplies have been exhausted. Inquiries with regard to specific problems and specific publications will be welcomed.

City Government Publications

ADMINISTRATION AND ORGANIZATION

- Report to Chapel Hill Board of Aldermen Concerning Revised Compilation of Town Ordinances, by Milton Heath, Jr. (1961)No charge
- Report to the Chapel Hill Board of Aldermen Concerning Proposed Revision of the Town Charter, by Milton Heath, Jr. (1961)No charge
- Interim Report to the Chapel Hill Board of Aldermen Concerning Chapel Hill Charter and Ordinances, by Milton Heath, Jr. (1959) [Note: Of interest to cities and towns generally as an illustration of a charter revision-ordinance codification project. Similar reports concerning charter revisions projects are also available for Burlington, Hickory, and Greensboro.]No charge

COURTS [See page 15]

ELECTIONS

- Conducting Municipal Elections, by Henry W. Lewis. (1961) 62 pp proc\$1.00

FINANCE

- Annexation Feasibility—Carrboro, N. C.: a special study of the financial feasibility of annexing areas adjacent to the Town of Carrboro, by William H. Holford and Warren Jake Wicker. (1959) 33pp proc\$1.00
- Are New Residential Areas a Tax Liability?: the financial impact on the city of annexing subdivisions: a report to the Greensboro City Council, by George H. Esser, Jr. (1956) 30pp proc\$1.00
- Comments on Municipal Revenues by North Carolina Municipal Officials, a report prepared for the Municipal Government Study Commission of the North Carolina General Assembly, by Warren Jake Wicker. (1959) 40pp proc\$1.00
- Constitutional Problems in Finance: special purpose, necessary expense and public purpose. (Durham City-County Charter Commission Study), by Robert G. Byrd. (1960) 44pp proc\$2.00
- Guidebook for Accounting in Cities, by John Alexander McMahon. (1952) 219pp proc\$1.00
- Guidebook for Accounting in Small Towns, by John Alexander McMahon. (1952) 139pp proc\$1.00
- Limitations on Municipal Expenditures, by David S. Evans. (1959) 8pp procNo charge
- Local Improvement Financing. A general discussion of the methods used by cities and towns in North Carolina to finance street improvements and water and sewer extensions, by Warren Jake Wicker. (1961) 12pp\$2.25
- Municipal Budget Making and Administration, by John Alexander McMahon. (1952) 67pp proc\$1.00
- Municipal Cost-Revenue Research in the United States: a critical survey of research to measure municipal

costs and revenues in relation to land uses and areas: 1933-1960, by Ruth L. Mace. (1961) 201 pp.....\$3.00

Municipal Officials' Views of Municipal Revenues; a summary of comments by North Carolina municipal officials on sources of municipal revenues before members of the Municipal Study Commission—July 23, 1958, Chapel Hill, N. C., prepared for . . . by the Staff of the Institute of Government. (1958) 19pp proc
No charge

Report on City-County Financial Relationships: Durham County and City of Durham, prepared for County and City of Durham Commission, by George H. Esser, Jr. and John Alexander McMahon. (1958) 41pp proc \$5.00

Report on Legal Aspects of Special Taxing Districts. (Durham City-County Charter Commission Study), by Robert G. Byrd. (1960) 31pp proc\$2.00

A Report to the Forsyth Board of County Commissioners and the Winston-Salem Board of Aldermen concerning County-City Financial Relationships, by John Alexander McMahon and George H. Esser, Jr. (1955) 30pp proc (To be distributed with A Study of Seven Large Counties and Seven Large Cities).....\$1.00

A Report to the Stanly County Board of Commissioners and the Albemarle Board of Commissioners concerning County-City Financial Relationships, by George H. Esser, Jr. (1961) 35pp proc.....No charge

Selected Materials on Expenditures of 33 North Carolina Municipalities, by Warren Jake Wicker. (1959) [15pp] procNo charge

Selected Reports and Materials on Municipal Finance in North Carolina, by George H. Esser, Jr. and Warren J. Wicker. (1958) 127, 57, 1pp proc\$1.00

Sources of Municipal Revenue, by John Alexander McMahon. (1953) 61pp proc\$1.00

Statutory Limits on City License Taxes in North Carolina, by George H. Esser, Jr. and John Webb. (1956) 87pp proc\$2.00

A Study of Seven Large Counties and Seven Large Cities, by John Alexander McMahon. (1955) 62pp proc (To be distributed with A Report to the Forsyth Board of County Commissioners and the Winston-Salem Board of Aldermen . . .)\$2.00

Urban Growth and Municipal Services, by George H. Esser, Jr. (Reprint from *Popular Government*, April 1957) Parts II and III\$1.00

Local Finance Bulletin: Municipal Finance Bulletin.

No. 1. An Explanation of Budgetary and Accounting Procedures Prescribed by the New Municipal Fiscal Control Act by John Alexander McMahon (1950) \$5.00

No. 3. Investment of Municipal Funds. (1957) 14pp proc\$1.00

FIRE PREVENTION

- Fire Protection in Charlotte and Mecklenburg County: Consolidation Possibilities, by Philip P. Green, Jr. (1949). 89pp proc\$1.00
- Law Enforcement in Forest Fire Prevention, by Richard A. Myren. (1956). vp proc.\$0.50
- Report to the Subcommittee on Fire Protection of the Durham City-County Charter Commission, by Philip P. Green, Jr., (1960). 11pp proc.\$0.50
- Rural Fire Protection, by Philip P. Green, Jr. (1952-53) 26pp proc.\$0.25

GENERAL

- Greensboro Suburban Analysis, by George H. Esser, Jr. (1956) 197 pp\$3.00
- Oaths of Office for the Use of City, County, and State Officials in North Carolina, by Albert Coates and Marion W. Benfield, Jr. (1960) 40 pp proc.....No charge
- Report of the Durham City-County Charter Commission (1960) vp\$5.00
- The Authority of the General Assembly to Vest Power in, and to Impose Duties Upon, Counties and Cities by Clyde L. Ball. (1950). 21pp proc.\$1.00

LAW ENFORCEMENT

- Constitutional and Legal Aspects of Consolidation—Mecklenburg Police Study, by Roy G. Hall, Jr. (1960) 27pp procNo charge
- Governing a County-wide Police Department in Mecklenburg County. (Charlotte - Mecklenburg Police Study.), by George H. Esser, Jr. (1961) 35pp procNo charge
- The Law of Arrest, by Roy G. Hall, Jr. (1962)\$2.00
- Personnel Practices of the Charlotte and Mecklenburg County Police Departments, by Donald B. Hayman. (1961) 7 pp procNo charge
- Police Planning for the Charlotte Police Department; a study of the use of planning in law enforcement, by Neal Forney. (1961) 48pp procNo charge
- Report on Law Enforcement in Durham County. (Durham City-County Charter Commission Study), by Roy G. Hall, Jr. (1960) 99pp proc.....No charge

LIBRARIES [See County]

PERSONNEL

- Model Personnel Ordinance for Medium Sized Cities, by Donald B. Hayman. (1962) 18pp\$2.50
- Personnel Administration in North Carolina Cities, by Donald B. Hayman. (1961) 23pp proc\$2.50
- Proposed Pay Plan and Personnel Ordinance for the City of Fayetteville, by [Donald B. Hayman]. (1961) 33pp procNo charge
- Public Position Classification and Pay Plans in North Carolina, by [Donald B. Hayman]. (1961) 5pp procNo charge
- Suggested Pay Plan and Personnel Ordinance for the City of Hickory, by Donald B. Hayman. (1962) 50pp.No Charge
- Suggested Pay Plan and Personnel Ordinance for the Town of Cary, by Donald B. Hayman. (July 1962) 28ppNo charge
- Suggested Pay Plan and Personnel Ordinance for the Town of Chapel Hill, by Donald B. Hayman. (1961) 34pp procNo charge

PLANNING

- City Planning in North Carolina; a resume of statutory powers for organizing and carrying out a planning program, by Philip P. Green, Jr. (1961) 8pp proc \$2.50
- Guidelines for Business Leaders and City Officials to a New C.B.D., by Ruth L. Mace. (1961) 150pp proc....\$3.00

- Planning Legislation in North Carolina, 3rd edition, by Philip P. Green, Jr. (1961) v.p. proc\$2.00
- Urban Renewal Programs in North Carolina Cities—a report compiled from information provided by the Executive Directors of the reporting Redevelopment Commissions, by Ruth L. Mace. (May 1962) 11pp + chartsNo charge
- Zoning in North Carolina, by Philip P. Green, Jr. (1952) 427pp\$3.50

PURCHASING

- An Outline of Statutory Provision Controlling Purchasing, by Local Governments in North Carolina, by Warren Jake Wicker. (1960) 11pp proc\$2.50

TAXATION

- In Rem* Property Tax Foreclosure, by Henry W. Lewis and Robert M. Byrd. (1959)\$5.00
- Property Tax Collection in North Carolina—Revised and enlarged, by Henry W. Lewis. (1958).....\$5.00
- Property Tax Foreclosure Forms, by Henry W. Lewis (1958)\$5.00
- Report on Tax Administration in Durham and Durham County, for Durham City-County Charter Commission by Henry W. Lewis. (1960) [Useful for other cities and counties]\$2.00
- Property Tax Bulletins, by Henry W. Lewis
- No. 20—1959 Legislation Affecting Property Tax Administration (1959) [contains useful explanation of revaluation law changes enacted in 1959]\$5.00
- No. 22—1961 Legislation Affecting Property Tax Administration (1961)\$5.00
- No. 23—Tax Reduction for Wind Damage (1962) \$5.00
- No. 24—Assessment Ratios and the \$300 Exemption (May 1962)\$5.00
- No. 25—Assessing Household and Kitchen Furniture, Percentage Rule (June 1962)\$5.00

County Government Publications

COURTS [See page 15]

ELECTIONS

- Primary and General Election Law and Procedure—Henry W. Lewis—(1962)\$1.00

FINANCE

- County Finance Act—with the History of Each Section, Local Modifications, Court Decisions, and Attorney General Rulings, by David Evans—1959)\$2.00
- County Fiscal Control Act—with the History of Each Section, Local Modifications, Court Decisions, and Attorney General Rulings, by David Evans—(1959) \$2.00
- County Commissioner Responsibility in Budget Making and Accounting, by John Alexander McMahon—(Revised June (1954)\$1.00
- Guidebook for County Accountants—McMahon—(1951)\$2.00
- County Finance Bulletin No. 4—An Explanation of Budgetary and Accounting Procedures Prescribed by the New County Fiscal Control Act—(1955)\$5.00
- Sources of County Revenue—McMahon—(2nd Edition 1954)\$1.00

FIRE PREVENTION [See Cities]

GENERAL

- Report of the Durham City-County Charter Commission (1960) [Portions are useful for other counties]\$5.00

1959 School for Newly Elected County Commissioners (1959) [Collection of papers on a number of topics]	\$2.00
A Report on the Durham County Health Department by Roddey M. Ligon, Jr. (1960). 93pp proc.	\$2.00
HEALTH	
Public Health in North Carolina—A Guidebook for County Commissioners—Roddey M. Ligon—(1950)	\$1.00
LIBRARIES	
Guidebook for Trustees of North Carolina Public Libraries, by Ruth Mace (1959)	\$2.00
Report to the Subcommittee on Libraries of the Durham City-County Charter Commission, by Catherine Maybury. 1960. 20pp proc	\$1.00
North Carolina Public Library Personnel Manual, prepared by Personnel Manual Committee, Public Libraries Section, North Carolina Library Association, [by Donald B. Hayman]. (1959). 50pp proc.	\$2.00
PERSONNEL	
Position Classification, Pay Plan and Personnel Resolution—Halifax County, North Carolina, by Donald B. Hayman (June 1962) 44pp	No charge
Proposed Position Classification, Pay Plan and Personnel resolution for Catawba County Library, by Donald B. Hayman. (April 1962) 27 pp	No charge
Trends in County Personnel Practices in North Carolina: a survey of policies and salaries, by Donald B. Hayman. (1960) 67pp proc	No charge
County Salaries and Fees in North Carolina by Elizabeth Pace (1962)	\$1.00
Personnel Administration in North Carolina Cities by Donald B. Hayman—(1961) [Major portions of this are useful in counties]	\$2.50
LAW ENFORCEMENT	
The Law of Arrest, by Roy G. Hall, Jr. (1962)	\$2.00
PLANNING	
An Outline of Materials on County Planning and Economic Development, by Robert E. Stipe and Philip P. Green (1960) 23pp proc	No charge
Planning Legislation in North Carolina by Philip P. Green—(3rd Edition 1961)	\$2.00
PUBLIC UTILITIES	
Report on Water and Sewerage Services in Durham County. (Durham City-County Charter Commission Study), by Warren Jake Wicker. (1960). 67pp proc.	\$2.00
Residential Service Costs: Durham Water and Sewer Department, by Warren J. Wicker. 1957. 28pp proc.	\$1.00
Special Report to the Utilities Subcommittee on the Extension of Utility Services to Areas Outside Municipal Boundaries, by Warren Jake Wicker. (1960). 15pp proc	\$1.00
Special Report to The Utilities Subcommittee on the Provision of Utility Services to the Kavanaugh-Smith Development, by Warren J. Wicker. 1960. 25pp proc.	\$1.00
RECREATION	
Report to the Subcommittee on Recreation, by Robert E. Stipe. (1960). 45pp proc	\$2.00
SCHOOLS	
Backgrounds, Techniques, and Results of Three City-County School Consolidation Attempts in North Carolina, by Marion W. Benfield, Jr. (1960). 97 pp proc.	\$2.00

County Commissioners and the Public School of North Carolina, by William H. Waggoner and David S. Evans. (1960)	\$2.00
Guidebook for School District Committeemen, by Marion W. Benfield, Jr. (1960). 48pp proc.	
Relationship of the Durham City and Durham County Schools to Durham County Unified, by Marion W. Benfield, Jr. October, (1960). 44pp and appendix.	\$1.00
School Administrative Unit Consolidation in North Carolina, by Marion W. Benfield, Jr. <i>Popular Government</i> , November-December 1960. 36pp	\$3.35
The School Segregation Decision, by Albert Coates and James C. N. Paul (1954). 132pp	\$2.00

TAXATION

Basic Legal Problems in the Taxation of Property—by Henry W. Lewis—(1958) [Useful for county attorney]	No charge
<i>In Rem</i> Property Tax Foreclosure by Henry W. Lewis and Robert G. Byrd—(1959)	\$5.00
Property Tax Collection in North Carolina—Revised and Enlarged by Henry W. Lewis—(1957)	\$5.00
Property Tax Foreclosure Forms, by Henry W. Lewis—(1958)	\$5.00
Report on Tax Administration in Durham and Durham County—for Durham City-County Charter Commission—Lewis—(1960) [Useful for other counties and cities]	\$2.00
Property Tax Bulletins by Henry W. Lewis	
No. 20—1959 Legislation Affecting Property Tax Administration—July 1959 [Contains useful explanation of revaluation law changes enacted in 1959]	\$5.00
No. 21—Evaluating Specifications for Revaluation Contracts—December 1960	\$5.00
No. 22—1961 Legislation Affecting Property Tax Administration—August 1961	\$5.00
No. 23—Tax Reduction for Wind Damage—April 1962	\$5.00
No. 24—Assessment Ratios and the \$300 Exemption—May 1962	\$5.00
No. 25—Assessing Household and Kitchen Furniture—Percentage Rule—June 1962	\$5.00
The List Taker's Guide by Henry W. Lewis—(1951)	\$1.00

WATERSHEDS

Small Watershed Guide by Milton Heath	
No. 3—Responsibilities of County Commissioners in Organization of Watershed Improvement Districts	No charge
No. 7—Organization and Conduct of County Watershed Programs under Article III of N. C. General Statutes Chapter 139	No charge
No. 9—Classification of land for benefit assessments in watershed improvement districts. (1961) 10pp proc	No charge

WELFARE

A Report on the Durham County Welfare Department by Roddey M. Ligon, Jr. (1960). 108pp proc.	\$2.00
Leasing of County Homes in North Carolina—Roddey M. Ligon—(1962)	\$5.00
North Carolina Old Age Assistance Lien Law—Roddey M. Ligon (Revised March 1960)	\$7.50
Public Welfare in North Carolina—A Guidebook for County Commissioners by Roddey M. Ligon—(1961)	\$1.00

SCHOOLS, MEETINGS, AND CONFERENCES

1. The Institute of Government joined with the American Association of Motor Vehicle Administrators in conducting a regional school for Driver Improvement Personnel. (upper right) Driver license officials came from states as far away as Florida, Alabama, Mississippi, and Texas to attend the two-week school in mid-September. At right of picture is Joseph P. Hennessee, former Institute staff member and now an official with the AAMVA. In charge for the Institute of Government was Assistant Director Elmer Oettinger.
2. Officials register at the Institute of Government's Knapp Building for the Seminar on Urban Planning for Environmental Health, held in September.
3. Local law enforcement personnel sometimes have been granted permission to attend the Institute schools for the Highway Patrol. Here, the patrol commander, Colonel David T. Lambert, and school director Forney congratulate Lt. J. B. Dunlap of the Hickory Police Department on completion of the course.
4. L. Poindexter Watts, (second from left), Institute of Government, Assistant Director, receives the State Governor's Award in Wildlife Conservation Award from First District Congressman Herbert C. Bonner, (left). Also participating in the Awards Ceremonies were Sixth District Congressman Horace R. Kornegay, (second from right) and Wildlife Resources Executive Secretary Turner Battle (right).
5. These are members of the Commission to Study the Impact of State Sovereignty upon Financing of Local Governmental Services and Functions. The Commission is having a series of meetings at the Institute of Government. Shown here (left to right) are Commission members Mrs. Adelaide Waters, member of the Chapel Hill Board of Aldermen; Paul L. Bernhardt, member of the Salisbury City Council; Dan Drummond, Winston-Salem and W. C. (Buck) Harris, Jr., Raleigh, members of the North Carolina House of Representatives, and Joseph F. Ferrell, Pasquotank County Auditor. Other Commission members attending the meetings are: Elton Aydtlett, State Senator, Elizabeth City; Seth B. Hollowell, State Senator, Goldsboro; Lee Russell Van Landingham, State Senator, Thomasville; David Britt, member of the North Carolina House of Representatives, Fairmont.



1



2



3

4



5



SUPERIOR COURT CLERKS AWARD PLAQUES TO PAST PRESIDENTS

The thirty-eight former presidents of the North Carolina Association of Clerks of Superior Court received plaques "in recognition of faithful service" at the September meeting.

W. H. Young, retired Durham county court clerk, is shown (see below) receiving congratulations on

his plaque from his successor, James R. Stone, Durham County Manager Ed Swindell and assistant clerk Mrs. Annie Belle Lowe. Young, who served for 40 years as clerk of the Durham County Superior Court, was the third president of the association and began the action which brought it into being

in 1917. The first president was C. C. Moore of Mecklenburg County who served five terms. Other presidents receiving plaques included John H. Cathey, Buncombe; W. M. Walker, Cumberland; E. C. Byerly, Davidson; J. D. Bardin, Wilson; B. D. McCubbins, Rowan; J. F. Harrington, Pitt; O. L. Richardson, Union; J. A. Little, Stanly; J. N. Sills, Nash; N. Elton Aydlett, Pasquotank; A. T. Walston, Edgecombe; A. W. Graham, Granville; W. E. Church, Forsyth; J. Lester Wolfe, Mecklenburg; E. O. Faulkner, Vance; R. V. Wells, Duplin; Wade H. Lefler, Catawba; George R. Hughes, Jones; Frank S. Hall, Rutherford; J. Floyd Barden, Wayne; Joseph P. Shore, Guilford; L. C. Hand, Gates; Thomas L. Covington, Richmond; Arthur W. Greene, Hertford; Carl G. Smith, Iredell; Charles C. Lamm, Wilson; Thomas E. Rhodes, Lincoln; William S. Babcock, Edgecombe; Kermit W. Lawrence, Surry; John S. Davis, Lenoir; John Satterfield, Rockingham; P. W. Deaton, Catawba; B. F. McMillan, Robeson; J. Russell Nipper, Wake; D. Ray McEachern, Cabarrus; John King, Franklin.



STATUTORY DEVELOPMENTS IN JUVENILE COURT LAW

(Continued from Page 4)

nonremoval of the child from the home.

The facts were as follows: Miss Drake had had four illegitimate children during the period of 1955 through 1960. In April of 1960 Miss Drake applied to the welfare department for public assistance. It was granted and she received approximately two thousand dollars in the ensuing year. On May 3, 1961 an action was commenced by the department of public welfare to have the children declared "dependent" and to have them placed *permanently* under the department's charge so that the department could place the children for adoption. The evidence presented at the trial tended to show that Miss Drake was not only a woman of low morals but that the environment in which the children lived left much to be desired as she did not appear to be a very good housekeeper either. At the time the action was commenced, Miss Drake was in the hospital either for a miscarriage or for self-induced abortion. At the time

of the hearing before the juvenile court Miss Drake had been discharged from the hospital and appeared with counsel before the juvenile court and protested the request that the children be permanently taken from her. [Note that the court is not dealing with a request for temporary removal from the home until a more permanent plan can be arranged in the best interests of the children, but that the court is being asked to terminate all parental ties between Miss Drake and the children.]

The issue, as stated by the court, was: "Is a woman who is so devoid of morals and intelligence as to bring forth a series of illegitimate children who must be supported by public funds entitled to retain the custody of those children?"

The court begins its decision with a discussion of the moral and ethical issues involved and then turns to the Ohio statutes and cases. They do not answer the moral and ethical issues but do state that they are numerous and complex.

The Ohio Revised Code defines a

dependent child to include any child "... Whose condition or environment is such as to warrant the state in the interest of the child in assuming his guardianship." The court then notes that, although the mother has the superior legal right to custody, legal rights are not absolute. Attention is given to the welfare of the illegitimate child, and his custody will be placed elsewhere when the mother's continued custody would be likely to cause injury to the child, as where her conduct is unchaste or impure.

The court next notes that the question usually raised under these circumstances does not deal with permanent removal of the child from the home but with temporary removal, always leaving a door open for the mother to reapply for custody if she is able to rehabilitate herself and become a proper and fit person to have custody of the children. "What few cases touch upon the problem presented here seem rather to lean to the view that immorality is not sufficient to justify permanent

cutting off a mother's parental duties. In New York this is so, but there emphasis is on the naked legal rights of parents whereas in Ohio emphasis is placed on the welfare of the child. When the law is thus unclear, there should be a resort to reason and experience to help determine the issues.

"The records of this court now contain cases of children whose parents were wards of the court because of the faults and habits of their grandparents, who were wards of the court because of the misconduct of the great-grandparents. Cases in these records are too numerous to count where the mother of an illegitimate child was herself illegitimate or conceived out of wedlock. Must the court sit idly and impotently by, and permit such unholy sequence to go on forever, particularly when the continuance must be at direct public expense? That cannot be the law, or if it be the law, some higher court than this must so declare it."

Therefore, the court held that permanent custody was to be given to the welfare department; that the decree was not subject to modification and that the children could be placed for adoption without the consent of the parents.

Another case, *Lowe v. Grasty*, 203 Va. 168, 122 S.E. 2d 867 (1961), dealing with child custody, includes in the opinion a notation that the Virginia law now allows a juvenile court to permanently separate a parent from its child (so that the child may be adopted without the consent of the natural parents).

Another interesting court case which occurred within the past six months is the case of *State v. Perricone*, 37 N.J. 463, 181 A. 2d 751 (1962). The defendants in this case were Jehovah's Witnesses and the father of a blue baby. The baby was admitted to the hospital for treatment at which time the parents stipulated that he was to receive no blood transfusions because it was contrary to their religious faith. The hospital attempted to comply with this request but found it could not do so and instituted an action in the juvenile court to have the child declared to be a neglected child and to have a guardian appointed for the purpose of authorizing blood transfusions. The New Jersey statute provides that the court may take action when the parents neglect to provide the child with proper protection, maintenance, and education. The defendants contended that the refusal to allow such blood transfusions was not such neglect, and that to so hold would be a vio-

lation of the First and Fourteenth Amendments to the United States Constitution.

The court held that the juvenile court did have authority to authorize the blood transfusion. They pointed out that the statute clearly grants the power to appoint guardians under such circumstances, and that this does not violate any constitutional rights. They noted that the United States Supreme Court has said that the First Amendment embraces two concepts—freedom to believe and freedom to act. "The first is absolute but, in the nature of things, the second cannot be." The court cited other federal and state court cases supporting this proposition. For example, they quoted from a New Jersey case which held that a segregated prisoner who, along with thirty other men in the segregation wing of the state prison, was prevented from attending Mass on Sunday was not deprived of his constitutional right of free exercise of his religion. In still another case the United States Supreme Court had upheld a conviction of bigamy against a Mormon who claimed that he was denied his religious freedom.

The doctors and the hospital in this case conceded that the parents were sincere and acted in what they thought to be the best interest of the child. Thus the parents argued that since it was clear that they evidenced sincere parental concern and affection for their child, there could be no finding of neglect. The court held, however, that those are not the controlling factors and that a failure on religious grounds to submit the infant child to blood transfusions to save his life amounted to statutory neglect.

The parents further argued that even assuming that the juvenile court was authorized to consent to the blood transfusion, blood transfusions are not universally recognized as beneficial or safe and therefore the court erred in authorizing the transfusion. To this the court stated: "True, not every refusal to consent to treatment for an infant constitutes evidence of unfitness or neglect to provide proper protection. For example, refusals to permit corrective surgery for a congenital arm deformity (Washington case) and to correct rachitis (Pennsylvania case) have been held insufficient grounds for taking custody from the parties." Also, a New York case upheld the trial court's refusal to order a corrective operation for an infant's cleft palate on the grounds that no

preponderance of the evidence showed that the operation would be more helpful if performed immediately or that the child's over-all condition would be improved under the circumstances. The court then states, however, that the instant case presented a different situation and that each situation must be dealt with in view of the nature of the operation or treatment and the parent's refusal to permit it—that is, the court must be guided by the medical evidence presented.

The last matter discussed by the court was why it appointed a guardian for the special purpose of consenting to blood transfusions rather than giving that consent directly. The court concluded that the appointment of the guardian seemed to be the best procedure since a series of transfusions, even after release from the hospital, might be necessary and that the guardian could give the consent to such transfusions without having to reconvene the court.

A West Virginia case, *Smith v. Winters*, 124 S.E. 2d 240 (1962) concerned the question of whether or not the juvenile court (which does not have jurisdiction to decide cases involving capital offenses) acquired jurisdiction over the trial of a fourteen year old girl for the murder of her father when the prosecuting attorney announced to the criminal court that he would not seek a conviction of murder in the first degree and would not ask for the death penalty. The Supreme Court held that the juvenile court did not have jurisdiction and that a transfer from the criminal court to the juvenile court was not proper. The court said: "The mere fact that the prosecuting attorney stated that he was not going to ask for the death penalty did not change the offense. The Grand Jury indicted the defendant for a capital offense and the petit jury has the authority, under the statute, to decide the case . . . and to determine whether or not the case is capital from the evidence introduced in the trial of the case." This court also pointed out that where two courts have concurrent jurisdiction, the one first taking jurisdiction has authority to keep the case and see it to its proper conclusion.

Raising the question whether a juvenile court judge should find a child delinquent when the only evidence of delinquency is the uncorroborated confession or admission of the juvenile is the Alabama case of *Stapler v. State*, 141 So. 2d 181 (1962).

Another case relating to transfer from one court to another is the Florida case of *O'Connell v. O'Connell*, 138 So. 2d 83 (1962). This case raised the question of whether or not under the Florida law, the circuit court could transfer a case to the juvenile court for custody determination when there was no question of delinquency, dependency, or neglect. The Florida court interpreted its statute as not allowing such a transfer.

The juvenile court custody cases decided within the past year are too numerous to be included in this publication in any detail. The writer is therefore including only the citation to a few which he feels will be of most interest to one desiring to research some recent juvenile court cases relating to child custody. These include: *Kennison v. Lee*, 217 Ga. 155 121 S.E. 2d 821 (1961); *Lyckburg v. Lyckburg*, 140 So. 2d 487 (La. 1962); *Gentry v. Gentry*, 136 So. 2d 418 (La. 1961); *Application of Richmond*, 227 N. Y. S. 42 (1962); *Gumphrey v. Gumphrey*, 115 N.W. 2d 353 (Minn. 1962); *Miller v. Miller*, 15 Wis. 2d 583, 113 N.W. 2d 403 (1962); *Kesseler v. Kesseler*, 180 N.E. 2d 402 (N. Y. 1962); and, *Blood v. Ernest*, 217 Ga. 642, 123 S.E. 2d 913 (1962).*

* Citations to juvenile court decisions becoming available since this paper was presented to the juvenile court judge's institute include: *In Re Thomas*, 372 P. 2d 890 (Okla. 1962) (dealing with transfer of juvenile case from criminal court to the juvenile court); *Greene v. State*, 358 S.W. 2d 306 (Tenn. 1962) (dealing with transfer of juvenile case from criminal court to juvenile courts); *Mitchell v. State*, 142 So. 2d 740 (Fla. 1962) (dealing with permanent removal of dependent children from their parents); *Spangler v. Brashears*, 359 S.W. 2d 206 (Tex. 1962) (juvenile court custody case); *State v. Bomar*, 358 S.W. 2d 295 (Tenn. 1962) (dealing with attempt to retain juvenile in confinement beyond 21st birthday because of periods of escape before becoming 21); *Robinson v. Robinson*, 359 S.W. 2d 215 (Tex. 1962) (custody case); *Chambers v. Chambers*, 143 So. 2d 656 (Fla. 1962) (custody case); *In Re Patterson*, 22 Cal. Repr. 807 (1962) (good case dealing with legal rights of a child coming before a juvenile court and charged with the commission of an act of delinquency); and, *In Re Lewis*, 230 N.Y. S. 2d 481 (1962) (dealing with petition to permanently remove children from parents for purposes of adoption).

THE ATTORNEY GENERAL RULES

Recent Rulings on Motor Vehicle Law and Highway Safety

I. CITING A DEFENDANT TO COURT—UNIFORM TRAFFIC TICKET

The uniform traffic ticket, when properly completed and executed, is valid as a warrant, in justice of the peace courts, as in others, and a magistrate is entitled to the same fees for issuance of such warrants as for any other arrest warrants. (13 JUL 61)

The following procedure complies with due process and is proper: Officer observes a traffic violation, stops the offender, and fills out a uniform traffic ticket in offender's presence. When warrant is thereafter issued, the officer swears to matters set forth in the nature of an affidavit on the first page, retraces his signature, then the judicial officer executes and issues the first page as a warrant. If defendant insists, he is given the pink sheet citation as the copy required by G. S. 15-21, and this properly apprises him of the charges. If there is any disagreement over accepting the pink sheet, a regular warrant is issued and an actual copy given to the defendant. (13 JUL 61)

II. CRIMINAL LAW

A. Licensing

1. Registration

A person who operates a motor vehicle owned by a dealer and displaying dealer tags for the purpose of road testing it must have in his possession a permit from the dealer for a period not to exceed 96 hours, unless accompanied by the dealer or an employee of the dealer. Operation without such a permit is a violation of the motor vehicle registration laws, and a dealer who knowingly permits such operation has himself violated the law. (24 AUG 62)

2. Chauffeur's license

As to the employee of a municipal fire department working full time, a job classification of "driver" is not conclusive on the question of whether or not he must hold a chauffeur's license. The controlling rule is that if the actual duties of the job show that the principal purpose of employment is to drive a motor vehicle, then a chauffeur's license is required. (24 JAN 62)

A person who owns a truck and operates it himself in his private busi-

ness, hauling the property of others for hire, is required to hold a chauffeur's license. He is not exempt as a "private hauler," under the third meaning of "chauffeur" set out in G. S. 20-6. A true private hauler does not haul the property of others for compensation, but his own. (9 MAY 62)

A person who rents a truck for personal use is not required to hold a chauffeur's license unless the truck is over 20,000 pounds gross weight. (23 MAR 62)

B. Rules of Road

Violation of G. S. 20-141(a)—traveling at an unreasonable speed under actual conditions, even though less than the posted speed limit—is a misdemeanor. (30 JAN 62)

III. COURT PROCEDURES

A. Rules of Evidence

When a defendant is tried for driving while intoxicated, our courts hold admissible expert testimony as to the results of a test of defendant's blood for alcoholic content. (18 JUN 62)

Evidence obtained through use of radar or other mechanical speed measuring devices is hereby held admissible upon a showing that the equipment used was tested and found to be accurate at the location where it was placed. In laying this foundation, it is suggested that evidence be presented showing that the equipment was properly tested and checked, that it was manned by competent operators, that proper operative procedures were followed, and that proper records were kept. In addition, it is suggested, whenever possible, that the arresting officer's opinion as to speed should be put into the evidence, along with the results of the speed watch or radar device. (16 NOV 61)

IV. DEFENSES BY DEFENDANT

A. City's authority to legislate

A city probably has the authority under G. S. 160-200(31) to enact an ordinance requiring motor vehicles entering an intersection from any direction to stop; i.e., the city may create a four-way stop. (21 SEP 61)

Rules of the road provisions in the General Statutes apply upon the public streets or highways, but are not generally applicable to or enforceable upon private property, including

privately owned parking lots. (Opinion notes one exception in the case of the reckless driving statute; there are others.) Local authorities, however, may enact valid ordinances controlling traffic on privately owned lots. (27 SEP 61)

The State Highway Commission does not have authority to raise speed limits in residential districts, either within or outside of city limits, but only the municipality has such authority. (6 JUN 62)

B. Court's authority to try offense

A mayor, in his capacity as magistrate, has no jurisdiction over the offense of "no operator's license," described by G. S. 20-7(n), inasmuch as the punishment therefor may exceed a fine of \$50 or imprisonment of 30 days. (The smallest punishment under this statute, for a first or second offense, is a fine of not less than \$25, imprisonment of not less than 30 days, or both, in the court's discretion. The maximum is not set out, but would be limited only by the Constitutional prohibition against cruel and unusual punishments.) (10 AUG 61)

The offense set out in G. S. 20-149(b)—failing to sound one's horn before passing or attempting to pass another vehicle proceeding in the same direction—is not within the jurisdiction of a justice of the peace. This is because G. S. 20-149(b) is not listed in G. S. 20-176 as one of the motor vehicle law violations within a justice's jurisdiction. (6 NOV 61)

V. COURT AND ADMINISTRATIVE ACTION AFTER CONVICTION

A. Criminal Punishment

This opinion interprets G. S. 20-7(n), which sets out the punishment for operating without a driver's license. G. S. 20-7(n) specifies certain minimum fines and imprisonments, or both, in the court's discretion. The opinion holds that the judge, if he sets a fine at all, has no discretion to set it for less than the prescribed minimum. The opinion notes, however, that the judge has inherent power to suspend execution of any fine he does impose, with defendant's consent, and upon conditions designated by the court. (9 FEB 62)

B. Mixed Criminal Punishment and Administrative Penalty

Defendant was convicted of illegal transportation of intoxicating liquors, receiving a 12 month sentence, suspended upon condition that he not operate a motor vehicle for 12 months. The Department did not exercise its right to impose a correspondingly severe driver's license suspension, but chose to suspend the license for only 6 months. The question arises as to the legal effect of the defendant's driving, after the expiration of the 6 month driver's license suspension. The opinion holds (1) that the 12 month suspended sentence remains valid, since the condition is reasonable, but (2) that while the defendant's driving after his operator's license was returned by the Department would not be a violation of G. S. 20-28, nevertheless, such an act could activate the 12 month suspended sentence for the full period. (5 JUL 62)

C. Administrative Penalty

The Department has no authority under G. S. 20-16.1 to suspend the driver's license of a person who has been convicted one time of speeding, within city limits, 55 MPH in a 35 MPH zone. This is because, under this statute, for offenses committed within city limits, the vehicle must have exceeded 55 MPH (or 60 MPH where posted and in effect). (27 NOV 61)

The Department cannot mandatorily revoke a driver's license under G. S. 20-17(3)—any felony in the commission of which a motor vehicle is issued—on the ground that the driver maliciously burned another's automobile and was convicted of arson therefor. The phrase, "is used," is meant to refer to some use of the driver license privilege, such as using a car in a bank robbery get-away. Also, "use" of a motor vehicle here hardly refers to its destruction. (18 JUL 61)

VI. ADMINISTRATIVE ACTION AFTER JUDGMENT OF INCOMPETENCE

A clerk of court may, under G. S. 122-46, with the certification of two physicians, order a person committed to a mental hospital for 60 days treatment; but the statute specifically provides that this does not constitute an adjudication of legal incompetence for any purpose. Thus, the clerk is not required, under G. S. 20-17(c), to forward a copy of such proceedings to the Commissioner of Motor Vehicles for mandatory revocation of the person's driver's license. (28 NOV 61)

CURRENT INSTITUTE OF GOVERNMENT PUBLICATIONS

(Continued from Page 10)

COURTS

- A Report on the Administration of Criminal Justice in North Carolina, Parts I-IV, by Roy G. Hall, Jr. and Bernard A. Harrell. *Popular Government*, (May 1958) Special issue [76pp]\$35
- A Report on the Administration of Criminal Justice in North Carolina, Parts V-VI, by James Albert House, Jr. and Bernard Harrell. *Popular Government*, (June 1958) Special issue. 56pp\$35
- A Report on the Domestic Relations Courts of North Carolina, the Juvenile Courts of North Carolina, the Juvenile Courts of Other States, by Roddey M. Ligon, Jr. *Popular Government*, (June 1958), Special issue. 69pp\$35
- A Report on the Durham County Juvenile Court, by Roddey M. Ligon, Jr. (1960) 32pp proc.
- A Report to the City of Charlotte on the Operation and Records System of the Charlotte Recorder's Court, prepared by Robert B. Midgette. (1958) 55pp proc.
- Civil Litigation in North Carolina, by Royal G. Shannonhouse. *Popular Government*, (April 1958) Special issue. 27pp\$35

- Digest of Selected Opinions of the Attorney General of North Carolina of Interest to Clerks of City and County Courts, by Roy G. Hall, Jr. (1960) 11pp proc. \$25
- Juvenile Courts in North Carolina; Domestic Relations Courts in North Carolina; Juvenile Courts of other States, by Roddey M. Ligon, Jr.—Special issue of *Popular Government* (June, 1958)\$35
- North Carolina Association of City-County Court Clerks—Constitution and By-Laws, by Roy G. Hall, Jr. (1960) 8pp procNo charge
- [Review of the Studies and Recommendations of the Court Study Commission.] *Popular Government*. (November 1958) Special issue, 24pp\$35
- The Courts of Yesterday, The Courts of Today, The Courts of Tomorrow in North Carolina, by Albert Coates. *Popular Government*, (March 1958) Special issue. 40pp\$35
- The Grand Jury, by L. Peindexter Watts. (1958) 20pp proc.
- The Superior Court Solicitor in North Carolina, by Roy G. Hall, Jr. (1960) 301pp proc.\$8.50

BOOK REVIEWS

BUSINESSMAN IN THE STATEHOUSE: SIX YEARS AS GOVERNOR OF NORTH CAROLINA, by Luther H. Hodges. Chapel Hill, North Carolina: The University of North Carolina Press, 1962. 324 pp. \$4.75.

United States Secretary of Commerce Luther H. Hodges has put between book covers his "experiences and recollections of certain highlights" in his six years (1954-1960) as Governor of North Carolina. The result is an interesting arrangement of facts, opinions, and ideas regarding these "exciting and challenging" years as seen through the eyes of a businessman chief executive. With the assistance of reporter Charles Dunn of the *Durham Morning Herald*, Hodges carries the reader from that awful moment in November 1954 when he learned of the death of Governor William B. Umstead and his own assumption of the office of Governor (he was the Lieutenant-Governor) to the time at the end of his elected four years when he could state categorically that "serving as Governor of North Carolina is a job for three men", look ahead to the state's needs and to his successors in office. The style of this volume is generally chatty and informal, the spirit forthright and candid. Hodges minces no words: he is explicitly or implicitly critical of a variety of individuals and groups, ranging from former President Dwight D. Eisenhower and the former Governor William B. Umstead to James Carey of the CIO and the *New York Times*; he has wholesome praise for a number of other individuals and groups.

Among the most interesting chapters are those concerning the Governor's ideas and actions in regard to the Supreme Court decision on segregation in the public schools and the adoption by the North Carolina General Assembly of the Pearsall plan, the significance of the Research Triangle, the events of the Henderson textile strike and their connection with labor-management relations in North Carolina, and the reason for his emphasis on industry hunting at home and abroad.

His comments in the last chapter (and earlier) on schools, the budget, municipal and county government, highways, water resources, and park areas all offer food for thought. Whatever one's personal views on the Governor's ideas, actions, and proposals, the book provides an informative and clear statement, revealing both mind and character, and providing an in-

valuable insight to those interested in the history and well-being of North Carolina.

URBAN RESEARCH METHODS. Edited by Jack P. Gibbs. Princeton, New Jersey: D. van Nostrand Company, 1961. 625 pp. \$12.00.

Designed for the beginning student, this collection of articles on techniques in use for analyzing urban areas and their problems should be valuable also to city officials and other producers and consumers of such research. The volume brings together many standard sources (previously only separately available) and a substantial number of new essays not elsewhere published. The 35 papers cover such topics as—the nature, form, and function of cities; definitions of urban area and sub-area boundaries; population growth, change, and densities; and rural-urban differences and interrelationships. Purposefully omitted were urban planning and "governmental-administrative" aspects of cities and urbanization. A comprehensive bibliography, with a subject matter index, is an important supplementary feature of the volume.

The book was compiled under the auspices of International Population and Urban Research, University of California, at Berkeley. Editor Gibbs is presently on the faculty of the University of Texas at Austin.

THE ST. LOUIS HOME RULE CHARTER OF 1876, ITS FRAMING AND ADOPTION, by Thomas S. Barclay. University of Missouri Press: Columbia, Missouri, 1962. \$3.00.

The author's purpose is to present an accurate history of the adoption of the first home rule charter in the United States and to analyze the governmental, political, and legal factors involved in formulating the charter. The book will be of interest to state and local officials concerned with the home rule question and the earliest charter making use of the principle.

PROFESSIONAL STAFFS OF CONGRESS, by Kenneth Kofmehl. Lafayette, Indiana: Purdue University Studies, Humanities Series, 1962. 282 pp. \$6.00.

This "analytical, descriptive study of the [professional staff of Congress] during the . . . 80th through 82nd [Congress]," includes a preliminary chapter on the congressional standing committees and a subsequent chapter regarding the office of the legislative council which may be as useful to many readers. The concluding comments are also helpful in putting the

volume's content in perspective.

The study is concerned with the three sessions of Congress after the Legislative Reorganization Act of 1946 provided for the professional staffs of Congress, and is concerned with "the formative period" for these staffs. Some of the problems concerning patterns of staff organization, earmarking staff for majority and minority, hiring and firing, qualifications, staff administration, and inter-staff relations may be suggested by the fact that, although the 1946 act limited professional aid to only one title and clerical employees to no more than five, actual results more than fifty titles were applied in the first three Congresses operating under the act to professional staff positions and almost as many to clerical staff titles. The origins and values of legislative council office with its legislative reference service, etc., also are set forth with considerable clarity. The book then, should fill a gap in information about the provision for and functioning of congressional staffs, and their ramifications. As such, it is a valuable adjunct to governmental libraries.

NORTH CAROLINA VOTES, compiled by the staff of the Political Studies Program at the University of North Carolina under the direction of Donald R. Matthews. Chapel Hill: University of North Carolina Press, 1962. 315 pp. \$5.00.

Professor Matthews and his associates have compiled the general election returns by county for 1) President of the United States, 1868-1960; 2) Governor of North Carolina, 1868-1960; 3) United States Senator from North Carolina, 1914-1960. His breakdown includes Democratic, Republican and other parties, the two-party vote, and pluralities, with subheads of year, total vote, total percentage, and Democrats or Republicans. While some of this information is available in other sources, the complete figures are here presented for the first time in one volume.

DOWNTOWN, N. C., PROGRESS REPORT POSTPONED

The detailed report promised for this issue of *Popular Government* on progress, problems and prospects for the more advanced of the central business district improvement programs in North Carolina cities has been postponed. Several of these cities are running somewhat behind the schedule that they set for themselves earlier this year. For this reason, it seemed sensible to reserve our comments to a later date.

COMFORT IN THE CITY

(Continued from Page 7)

signs they vie with for attention. Both are a curse because they are completely haphazard, uncomposed and prominent visual elements, and therefore make for senseless busyness and restlessness. Look—if you can see them—at the buildings behind this screen. They are ugly all right, and dirty, but look again—they are simple in form and would, if visible, make a comparatively tranquil backdrop. Thus the streets of poverty-stricken Borros O Kane in County Tipperary—slums that they are—have a dignity far above that of the slums of Carrboro (if there are any) because they do not stand behind an utterly disorganized screen of ugliness.

Organization for Design

So this points up another requirement of urban design—namely organization.

Perhaps we do not need to tear everything down quite yet and build it over. Maybe cleaning out the disorder and introducing a little simplicity will do wonders.

As to beauty which, as we said is different from delight, this can be supplied in urban design as it can elsewhere in architecture by the application of those tried and true elements of good proportion, rhythm, unity and the usual bag of tricks. Of course in urban design the really 64 dollar trick in the whole bag is to keep a careful eye on the architects to see that they respect one another's offerings and that each individual

does not consider the site of his building and the circumambient air only as a space in which to express his genius with a piece of sculpture having no relationship whatsoever to the product of some similar genius on the opposite corner. You have to watch these fellows.

Now here have been a great many expressions by people who have been more or less trained in a variety of disciplines. I, for one, would be very much interested to have the views of an articulate layman, that well-known individual who knows nothing about art but knows what he likes. Somebody who runs the corner drug store. After all, he's the character for whom we're all trying to build this environment.

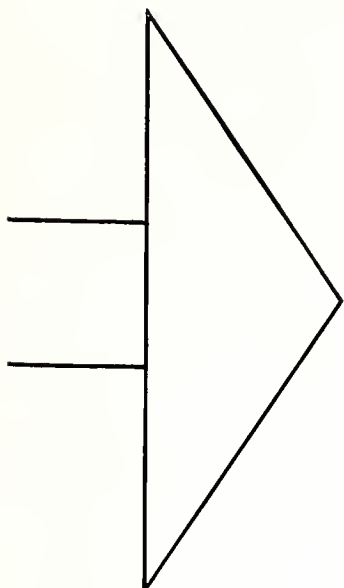
ANNOUNCING:

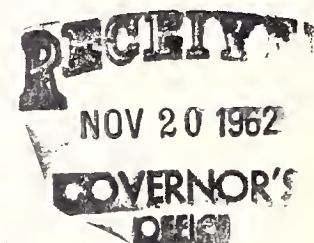
A Revised and Enlarged Edition of GUIDEBOOK FOR WILDLIFE PROTECTORS

The new, completely up-to-date version of this legal textbook on game, fish, and boat law enforcement has been prepared by Dexter Watts, an Assistant Director of the Institute of Government. Based upon four years of teaching by Watts from the original edition written by Willis Clifton Bumgarner, the guidebook features an added chapter on boat law and extensive revision of the other six chapters. Although the book is designed primarily for use as a legal textbook in enforcement schools for wildlife protectors, the teaching text for the officers is supported by legal citations and analyses in footnotes that make the book valuable for judges, solicitors, and lawyers concerned with game, fish, and boat law violations. Features of the new work include:

- Summary on the Source of the Law
- Outline of North Carolina Court Structure and Jurisdiction
- A Chapter on the Law of Arrest, Search, and Seizure
- A General View of Evidence Law in Criminal Cases
- Analytical Treatment of Game, Fish, and Boat Law Containing:
 - breakdown of the elements of every principal offense, whether contained in statute of regulation
 - illustrative wording of each charge as it should be written into the warrant
 - discussion of special evidence problems connected with particular offenses
 - detailed discussion and citation of pertinent federal statutes and regulations, especially in regard to migratory bird hunting and boat law enforcement
- A Comprehensive Fifteen-Page Table of Contents
- Supplementary Index to Points Contained in Footnotes as Well as to Textual Material

Bumgarner-Watts, *Guidebook for Wildlife Protectors* is available from the Institute of Government, Box 990, Chapel Hill, North Carolina, for \$5.15 postpaid, including sales tax.



Schools and Conferences Scheduled to be Held at the Institute of Government**Between January 1, 1962-June 31, 1963****As of September 1, 1962**

Mark your calendar and plan to attend your meeting this fall.

Look in **Popular Government** for reports and articles on vital governmental subjects.

<i>School or Conference</i>	<i>Date</i>	<i>Staff Member</i>	<i>School or Conference</i>	<i>Date</i>	<i>Staff Member</i>
Clerks of Superior Court	Jan. 3-5	Hinsdale	*Delinquency Training Program	March 11-22	Bounds
Municipal Administration	Jan. 4-5	Wicker	Highway Patrol In-Service School	March 11-15	Forney
*Delinquency Training Program	Jan. 7-25	Bounds	Public Activity Management	March 11-14	Ligon
Management Training Conference—Forestry Division	Jan. 7-11	Hayman	County Attorneys	March 15-16	Byrd
Highway Patrol In-Service School	Jan. 7-11	Forney	Municipal Administration	March 15-16	Wicker
Driver Education Representatives—	In-Service School		Highway Patrol In-Service School	March 18-22	Forney
Highway Patrol In-Service School	Jan. 13-18	Hinsdale	Wildlife In-Service School	March 18-22	Forney
Highway Patrol In-Service School	Jan. 14-18	Forney	Tax Collectors School	March 27-29	Lewis
Municipal Administration	Jan. 18-19	Wicker	*Delinquency Training Program	Mar. 31-Apr. 5	Bounds
Basic City Planning Course	Jan. 20-Feb. 2	Stipe	Highway Patrol In-Service	April 1-5	Forney
Role of Citizens in Planning	Jan. 15	Green	Municipal Administration	April 5-6	Wicker
Highway Patrol In-Service School	Jan. 21-25	Forney	Highway Patrol In-Service	April 8-12	Forney
*City Management Seminar	Jan. 24-26	Esser	Wildlife In-Service	April 8-12	Forney
Highway Patrol In-Service School	Jan. 28-Feb. 1	Forney	*Delinquency Training Program	April 8-12	Bounds
Municipal Administration	Jan. 31-Feb. 2	Wicker	N. C. Planners Association	April 18-20	Green Stipe
Highway Patrol In-Service School	Feb. 4-8	Forney	Southeastern Personnel Conference	April 21-24	Hayman
*Court Reporting Seminar	Feb. 5-7	Oettinger	Municipal Administration	April 25-27	Wicker
*County Accountants	Feb. 25-27	Byrd	New Tax Collectors School	April 29-May 3	Lewis
*City Management Seminar	Feb. 7-9	Esser	Highway Patrol Basic School	April 29-July 26	Forney
Institute for Parole Board Members	Feb. 9-16	Bounds	Wildlife In-Service	May 6-18	Forney
Highway Patrol In-Service School	Feb. 11-15	Forney	*Delinquency Training Program	May 6-24	Bounds
Wildlife In-Service School	Feb. 18-22	Forney	Municipal Administration	May 15-18	Wicker
*Delinquency Training Program	Feb. 17-22	Bounds	*Delinquency Training Program	June 9-21	Bounds
Highway Patrol In-Service	Feb. 17-22	Forney	*Urban Planning for Environmental Health	June 24-28	Green
Municipal Administration	Feb. 22-23	Wicker	**New Mayors School	June 9-11	Esser
Finance and Purchasing	Feb. 28-Mar. 2	Wicker Byrd		June 16-18	
Wildlife In-Service	March 4-8	Forney		June 23-25	
*Delinquency Training Program	March 4-8	Bounds	*Tentative Schedule		