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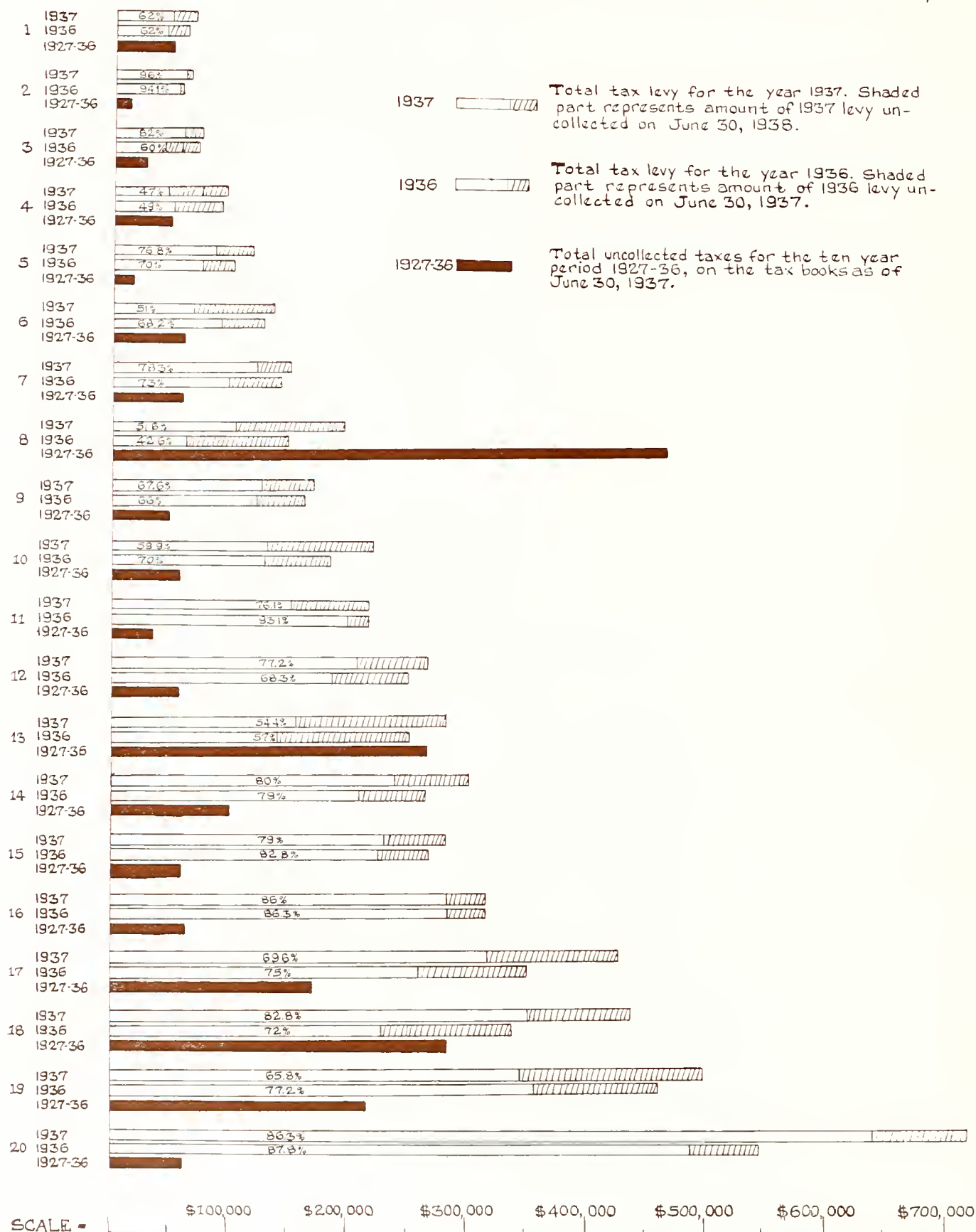
KEEPING UP WITH TWO CAPITOLS---
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POPULAR GOVERNMENT

UNCOLLECTED TAXES OF TWENTY NORTH CAROLINA COUNTIES



POPULAR GOVERNMENT

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City and County Delinquent Taxes

Collections During 1936 and 1937 Range from 50% to 85% of Levies

COUNTIES, cities and towns in North Carolina are each year required to report to the Commissioner of Revenue in Raleigh (1) the tax levy for the year, (2) the amount of taxes uncollected at the end of the year, (3) the percentage of taxes collected for the year.

From this information, made available through the courtesy of A. J. Maxwell, Commissioner of Revenue, and Henry Brandis, Jr., Chief of the Research Division in the Revenue Department, W. S. Mitchell of the Institute of Government staff has prepared the accompanying charts of the taxes levied, taxes collected and taxes uncollected for the years 1936-1937, and the uncollected taxes for the ten year period 1927-1936.

County Delinquent Taxes

Around 90 per cent of the counties reported for the years in question and around 70 per cent of the cities and towns. The 20 counties and 20 cities and towns whose tax collecting status is portrayed on the accompanying charts are representative (1) in geographical distribution, (2) in the amount of taxes levied, and (3) in the percentage of taxes collected and uncollected.

All counties, cities and towns did not always report on a uniform basis, and discrepancies sometimes appear, but it is believed that the results shown are approximately correct.

Of 91 counties reporting in 1937, 2 reported collections within the current year of less than 50 per cent of the taxes levied (both small counties levying less than \$100,000); 36 reported collections between 50 and 70 per cent of the levy; 38 reported between 70 and 85 per cent collected;

By
**ALBERT
COATES**
Director,
Institute of
Government



and only 15 reported collections of more than 85 per cent. Thus it appears that in over three-fourths of the counties less than 85 per cent of the taxes levied within the current year were collected.

Information is not available as to the amount of these taxes collected in subsequent years, but of the taxes levied by 86 counties reporting as of June 30, 1937, for the 10-year period 1927-1936, 56 reported average collections of over 90 per cent; 20 reported average collections between 80 and 90 per cent; and only 10, less than 80 per cent.

It is apparent from the reports that the size of the county does not determine the percentage of taxes collected, for some of the smallest counties reported some of the highest percentages of collections; but of the seven counties reporting tax levies of \$500,000 or over, 4 collected over 85 per cent; 2 collected between 70 and 85 per cent; and only 1, below 70 per cent.

Many counties, however, show wide fluctuations from year to year in the percentages of taxes collected;

for example one county reported as high as 93 per cent collections in 1936, and as low as 76 per cent in 1937.

City Delinquent Taxes

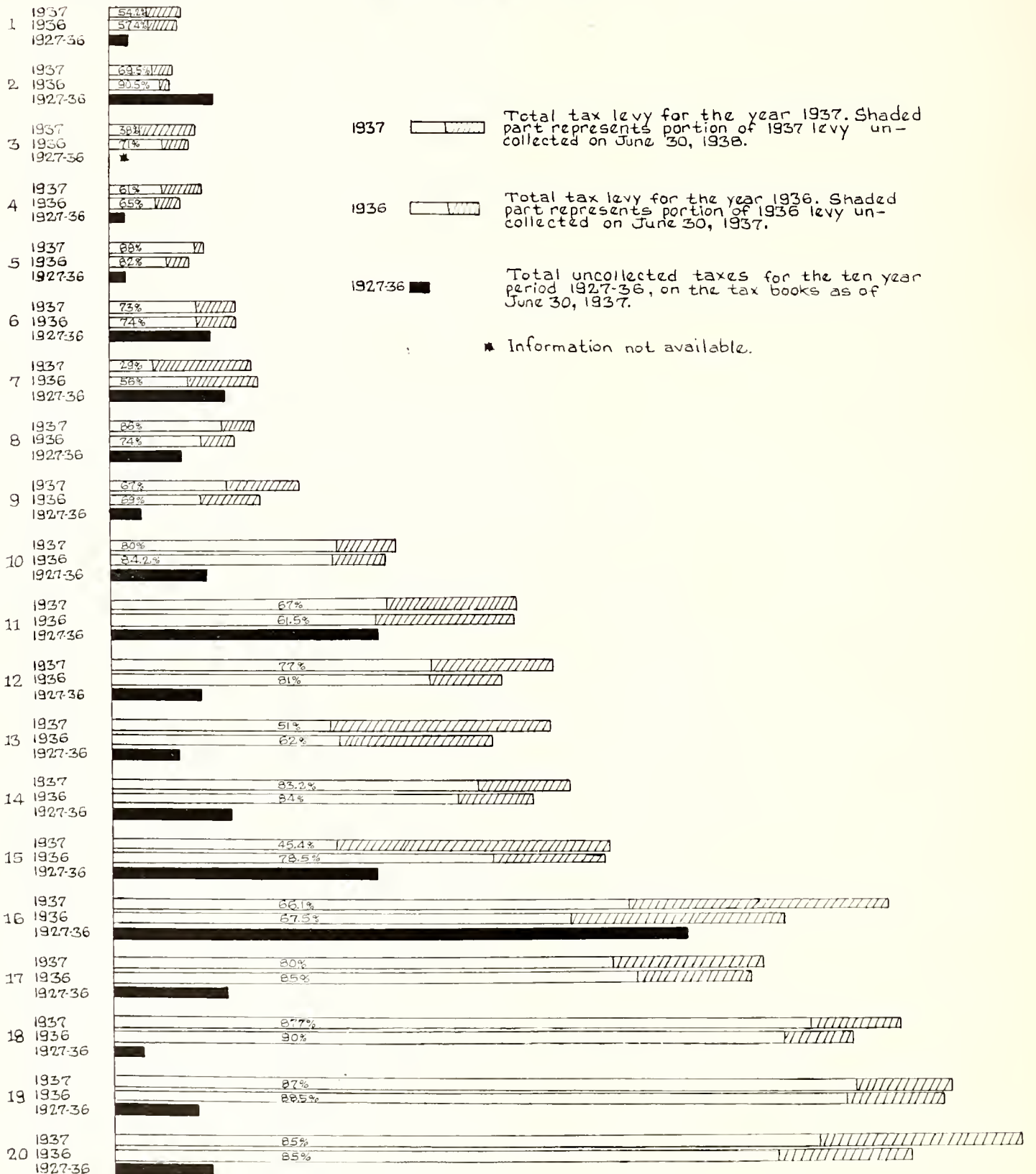
Of 220 cities and towns reporting in 1937: 28 (13%) reported collections within the current year of less than 50 per cent; 78 (35%) reported collections between 50 and 70 per cent; 68 (31%) reported collections between 70 and 85 per cent; and 46 (21%) reported collections over 85 per cent. Thus it appears that over three-fourths reported collections of less than 85 per cent of the taxes levied within the current year.

Information is not available as to the amount of these taxes collected in subsequent years, but of the taxes levied by 177 cities and towns for the ten-year period 1927-1936 reporting as of June 30, 1937: 95 (53%) reported collections over 90 per cent; 53 (30%) reported collections between 80 and 90 per cent; 29 (16%) reported collections under 80 per cent.

With the cities and towns, as with the counties, size does not determine the percentage of tax collections, for some of the smallest towns report some of the highest collections. Practically all of the largest cities, however, have relatively high percentages of collection. Many cities fluctuate widely from year to year in the percentages of taxes collected. For example: one city reported tax collections of 90 per cent in 1936, and 70 per cent in 1937.

It is apparent from the chart, that some cities and counties are falling behind with tax collections at the
(Continued on page twelve)

UNCOLLECTED TAXES OF TWENTY NORTH CAROLINA CITIES



SCALE - 10,000 20,000 30,000 40,000 50,000 60,000 70,000



Modern Library Service Creates "Bookmobile"

TWENTY-NINE "bookmobiles"—libraries on wheels—are traveling many roads in North Carolina this year. Each day these bookmobiles are proving that people of North Carolina want to read, and the only problem is to provide enough books.

The North Carolina Library Commission started a demonstration bookmobile in July 1936, when funds collected by the North Carolina Library Association were used to purchase a 1½ ton panel body Ford truck with a special unit built to carry books on outside shelving. The North Carolina Library Commission bookmobile has been used in 26 counties, and has traveled more than 40,000 miles. A bookmobile carries several hundred books on the shelves and extra books stored inside to answer special requests and to refill the shelves after a stop.

Books, Books, Books

Books for everybody are available, books to answer many questions, books to help the out-of-school youth continue his education, books to "take one lands away," books for the pre-school child and his grandfather, books to read for fun and books to read for information.

By **MARJORIE BEAL**, Director
State Library Commission

Regular trips of a bookmobile are made from the headquarters library into all sections of the county and trips are announced in advance so people are eagerly waiting for it. When the bookmobile stops the requests are as varied as the individuals, a college graduate wants a recent book on sociology, the father of a large family wants "Post's Etiquette" to settle a family discussion about table manners; a book about men and women of the Bible is another request; and one man wants something about "that man Hitler." The librarian who travels on the bookmobile soon becomes the friend of every borrower, helps him find a book to his liking and talks about various books of interest. She soon knows each neighborhood and is concerned when some regular borrower fails to appear.

Stops are made at country stores, cross roads filling stations, homes, schools, and libraries. Books are free. Often collections of books are

left at a stop so people may exchange with each other until every one has read what he wishes. Each trip of the bookmobile brings a fresh supply. In this way a small collection of books can bring knowledge and happiness to many people.

Alamance, Davidson, Durham, Gaston, Granville, Guilford and Rockingham Counties have their own bookmobiles. The Rockingham County bookmobile was a gift to the county by Mrs. B. Frank Mebane in memory of Mr. Mebane. Catawba and Rutherford Counties are to secure new bookmobiles this fall. Hertford County Colored Library has the only bookmobile owned and operated exclusively for colored people. Iredell, Surry, Anson, Montgomery, Warren, and Cleveland Counties have taken discarded school buses and made them over into bookmobiles.

The WPA Library Project purchased books and bookmobiles to provide work and to aid in demonstrating that people wanted to read good books. Requests for WPA bookmobiles to be used in a county or a group of counties, should be made

(Continued on page twelve)

Justice Officials Confer with Clerks on Court Statistics



The State Department of Justice Act created by the 1939 General Assembly, created in the Department a Division of Civil and Criminal Statistics charged with duty of collecting and correlating statistics on criminal and civil law administration.

On September 6, a committee of the Association of Superior Court Clerks, called by the president of the association upon invitation of the Attorney General, met in Raleigh with the Attorney General and members of his staff and Albert Coates, Director of the Institute of Government, to discuss methods and forms for the

collection of judicial statistics. Present were the Attorney General, Mr. McMullan, President E. O. Falkner of the Clerk's Association, Clerks W. H. Young of Durham, A. W. Graham, Jr., of Granville, A. Leonidas Hux of Halifax, H. V. Rose of Johnston, Alvah Early of Hertford, W. H. Sawyer of Wake, Mr. Coates, Assistant Attorney General Wade Bruton and A. A. F. Seawell, Jr., Director of the newly created Division of Criminal and Civil Statistics.

Director Seawell urged the cooperation of all officials in the collection of criminal and civil statistics.

Law Enforcement

21,420 Suspects

The department of justice has investigated 21,420 persons suspected of a part in the kidnap murder of Charles Mattson and found them all innocent.

Tips concerning the case have come to FBI agents from all parts of the nation. Each tip had to be investigated thoroughly on the chance it might be "the right dope."

Charles Mattson, 10, was kidnapped from his home at Tacoma, Washington, and was held for \$28,000 ransom on December 27, 1936. His body was recovered near Everett, Washington, on January 27, 1937. The case is one of two unsolved kidnappings on FBI records. The other case was that of Peter Levine of New Rochelle, N. Y., kidnaped February 24, 1938.

Getting Their Goat

One North Carolina town almost had a "torso" murder recently.

A headless, limbless body was found in a cardboard carton in an open field. Police, fingerprint experts and the coroner worked at top speed for two hours to solve the mystery.

Then a physician and two undertakers identified the gruesome find. It was part of the body of a goat.

Police Make Arrests

Wilmington police made 296 arrests during the month of September, Chief Rourk reports.

CITY POLICE AND POLICE EQUIPMENT

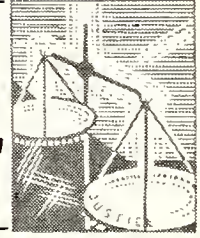
Number and functional distribution of police department employees and motor equipment of 8 North Carolina cities in 1938

City	Number of police employees			Functional distribution of police employees								Automobiles			Motorcycles	
	Total	Police officers	Civilians	Office of chief or commissioner	Communications and records	Uniformed Force			Detective bureau	Traffic bureau	Miscellaneous (maintenance, lock-ups, jails, etc.)	Total number of autos	Number of autos equipped with radios		Total number	Number radio equipped
						Foot patrol	Motorized patrol	Indoor assignment					1-way	2-way		
Asheville, N. C.	64	62	2	1	1	44	5	4	9		7		7	5	5	
Charlotte, N. C.	103	98	5	8	8	14	25	3	16	25	4	13	9	4	8	4
Durham, N. C.	74	66	8	4	4	18	15	3	8	17	5	11		10	4	
Greensboro, N. C.	76	73	3	2	2	31	8	6	12	13	2	13	10		4	
High Point, N. C.	43	43		1	2	13	12	4	4	5	2	4	4		5	
Raleigh, N. C.	56	56		1	1	17	12	7	6	12		5	5		3	
Wilmington, N. C.	46	46		1	4	13	10	5	5	5	3	4	1	3	2	2
Winston-Salem, N. C.	106	101	5	2	2	30	22	10	16	17	7	12	11	1	5	2

—From Uniform Crime Reports.



NEWS OF THE STATE BAR



Secretary of State Bar Has Multiplicity of Duties



EDWARD L.
CANNON

The Secretary of the North Carolina Bar serves as investigator for the various Committees of the State Bar Council. His position requires that he answer the hundreds of requests for information and service received at the State Bar office, and further that he keep the records and proceedings of the State Bar and its Council and Committees, together with usual secretarial duties.

He is also Secretary of the Board of Law Examiners, and as such has to handle all applications for registration of law students as well as all applications to take the bar examination, together with the investigation of applicants and their qualifications. It is also his duty to keep the records and proceedings of the Board of Law Examiners.

His further duties are to represent the State Bar in all disciplinary proceedings—also to represent it in any actions brought under the new amendment of the State Bar Act dealing with unauthorized practice of law.

He has the "thankless" task of collecting dues.

"It seems essential that every member of the Bar cooperate fully with the Council in its untiring efforts to benefit the members of the profession as well as the public. The Council alone cannot achieve the high aims of the State Bar without the cooperation of the individual members of the Bar. Each member

of the Bar is urged to assist in the various phases of the work of the Council of the State Bar, namely, high standards for admission to the Bar; an intelligent program against unauthorized practice; careful, serious disciplinary proceedings where warranted; promotion of the interests of the legal profession and the public."

Matters which members of the Bar may well consider for the future seem to be problems involved in such subjects as public relations, law lists, legal publications, professional assistance, legal institutes, and other Bar activities. Intelligent consideration of these interests of the legal profession by every individual lawyer can be of untold benefit to the Bar of this State. It is recommended that every attorney in North Carolina read carefully the statutes creating the State Bar, with the amendments thereto, all of which appear in the Code as well as Volumes 205 and 212 North Carolina Reports. A careful consideration of these will indicate that there are vast possibilities for great benefits to the Bar and the public by proper and sympathetic use of the structure of the State Bar. Its Council and officers are constantly working for their profession and in the public interest.

The annual meeting of the State Bar will be held in Raleigh on Friday, October 27th, and attendance is expected to be larger than at any previous annual meeting. A number of interesting topics will be discussed and President Hutchins, Vice-President Green and the members of the Council are working for a most interesting and helpful gathering.

Photostating Records

"The essential part of recording is the making of copies of original deeds and other documents required by law to be put to record. Such copies when transcribed from originals, proofread for accuracy, and bound into permanent record books, constitute the official public records. Photostatic recording has generally supplanted the old style manual recording methods in the larger recording centers of the United States. The manual method is still used in Jackson County, Missouri, and several months ago the Recorder of Deeds requested the Civic Research Institute to make a thorough study of his office to determine the feasibility of installing a system of photostatic recording.

Photostat Less Expensive Than Copy

"During 1939, the Recorder's Office in Kansas City will be required to write by typewriter or by longhand 26,800 or more pages in copying instruments put to record. The full time services of 17 persons will be required in this transcribing and verifying at an annual payroll cost of \$21,840.00. Expenses for record books, paper, and supplies will be an additional \$2,205.00. The total cost to the County for manual recording with this year's volume will be \$24,045.00.

"A recording photostat is available at a cost not in excess of \$4,000.00, completely installed and
(Continued on page twelve)

It is frequently asked: What does the Secretary of the State Bar do? At the request of the Institute of Government, Secretary Edward L. Cannon has prepared this statement of his duties and problems as he sees them.



Keeping Up with Two Capitols



WASHINGTON

P. W. A. Work Must be Completed

P. W. A. sponsored projects in North Carolina must be completed within the dates agreed upon, Col. E. W. Clark, acting Commissioner of Public Works, recently warned. "You cannot expect grants on work done after that date," he said. Steps should be taken immediately, it was advised, to assure completion of projects within the agreed time limits. Col. Clark's warning has been sent to public bodies in twenty-one states.

Counting Houses

A housing census will be conducted to throw light on the national housing situation. The information collected will be designed to show: the number and type of dwelling structures, occupants per room, the amount of rent paid, of the amount of the mortgage in the case of owner occupied dwellings, utility connections, water and sewer facilities. Congress has appropriated \$8,000,000 to carry out the census project.

New CCC Enrollments

During the fourteenth enrollment period, 39 CCC camps are scheduled to operate in North Carolina, T. L. Grier, state CCC selections supervisor, said recently.

Robert Fechner, director of the CCC in Washington, has informed the State Supervisor a maximum of about 7,800 enrollees in barrack camps would engage in conservation work in the state during that time, from October 1 to March 31, 1940.

An additional 75 Indian enrollees will work on Indian reservation conservation projects. The 39 barrack camps are the same in number as previously, although some camp locations will be changed.

Federal Employees

The Federal Government, with a total of 923,856 civil employees, has 11,332 on its payroll in North Carolina.

The Civil Service Commission, making the figures public, emphasized that they had no relation to the number of legal residents of the State employed by the Government, some of whom may hold jobs in other states, many of them among the 101,401 Federal employees in Washington.

North Carolina's population of 3,492,000 was 2.41 per cent of the estimated national total of 144,985,000 in July 1937. The Federal workers in the State constituted 1.23 per cent of the total Government employment, and .32 per cent of the State's population.

RALEIGH

Apprenticeship System

Plans have recently gotten under way for putting into effect a state apprenticeship system, pursuant to legislation enacted by the 1939 General Assembly.

The purpose of the system is to train young skilled workers, and provide them with both practical experience in and theoretical knowledge in their work.

The North Carolina apprenticeship Council is made up of representatives of employers and employees, co-operating with the Department of Labor and the State Director of Trade and Vocational Education.

Mr. C. L. Beddingfield was recently appointed Director of Apprenticeship.

The State Council is organized as follows: Chairman: Commissioner of Labor Forest Shuford; Vice Chairman: George W. Coggin, the director of trade and industrial education; Employees' representative: H. L. Kizer, president of the State Building Trades council, Charlotte, G. D. Sexton, Central labor union, Winston-Salem, and H. F. Allred, Greensboro; Employers representative: George W. Kane, general contractor, Durham, L. P. Kennedy, general superintendent, Norfolk-Southern, Raleigh, and Robert M. Keruon, executive secretary N. C. Association of Plumbing and Heating Contractors, Raleigh.

Local committees will be appointed to aid in selection of apprentices in trades or groups of trades in any city or trade area whenever apprentice training needs require it.

New Industries

During the first eight months of this year, North Carolina secured a total of 51 new industries, while 66 new additions were made to existing plants, according to figures compiled by J. T. Anderson, chief of the division of commerce and industry, and submitted to Director R. Bruce Etheridge of the Department of Conservation and Development.

Twenty-one of the 51 new industries are classified as textile plants of which 16 were hosiery, five dying and finishing, two knit goods, two cotton goods, two cotton yarns, one silk and one miscellaneous.

Of the 66 new additions 60 were textile plants of which 30 were hosiery mills.

"We feel that the establishment of these 51 new plants and the building of the 66 new additions reflects healthy industrial growth in North Carolina," Director Etheridge said.



High School Group Studies Government Functions

American Legion Sponsors Citizenship through the Institute of Government

From August 27 to September 3, 1939, one hundred and thirty boys from all sections of North Carolina met at Chapel Hill to attend the first Tar Heel Boys' State. Sponsored by the American Legion, the week's meetings were devoted to instruction in government and citizenship and to organized sports. Albert Coates, Director of the Institute of Government, placed his own services and the entire facilities of the Institute at the American Legion's disposal and was charged by the Legion with the full responsibility of planning and carrying through the first Boys' State Program in North Carolina.

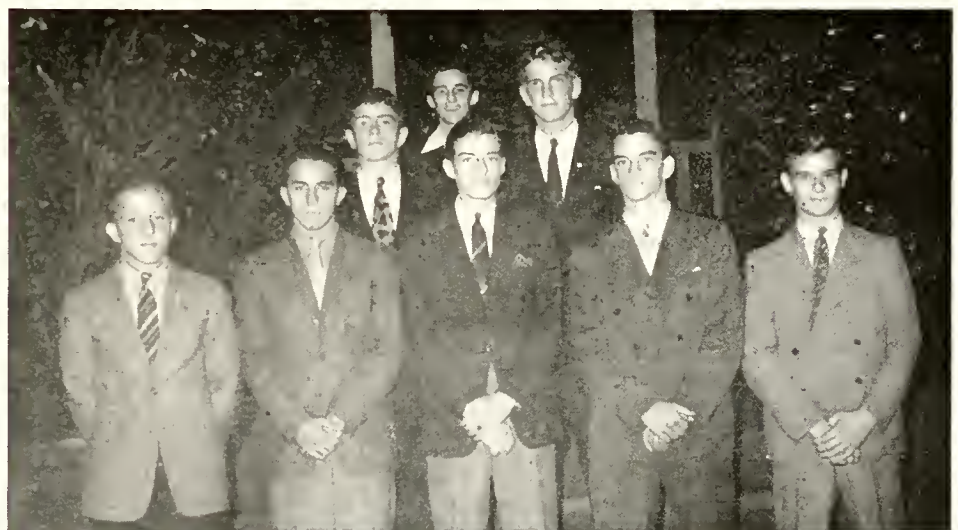
The Institute of Government acknowledges with appreciation the helpfulness of the following persons and agencies in planning and carrying through this program:

- (1) Burgin Pennell, Department Commander, and Hector Blackwell, former Department Commander, Jim Caldwell, Department Adjutant,

Dave Hall, Chairman of the American Commission, all members of the Boys' State Commission, and the Legion Posts and civic organizations sponsoring the boys attending.

- (2) Russell Grumman, Director

of the Extension Division of the University of North Carolina, who arranged with University authorities for the registration, housing, feeding, and medical attention of the boys attending, and for
(Continued on page twelve)



TAR HEEL BOYS' STATE OFFICERS

Left to right, Bobby Frazier, Shelby, Lieutenant-Governor; Frank Davis, Asheville, Chairman Federalist party; Roy McMillan, Jr., Raleigh, Secretary of State; Jack Griffith, Wilmington, Attorney-General; Douglas Hunter (center front), Greensboro, Governor; Jim Davie, Salisbury, Treasurer; John Sims, Raleigh, Chairman Nationalist party; James Paschall, Wilson, Auditor.

Automobile Inspection Required by More than 17 States

"New York and West Virginia, by 1939 legislative action, have brought to 17 the number of states requiring compulsory motor vehicle inspection, the International Association of Chiefs of Police reports. The inspections are designed to remove mechanical defects which may result in death or injury on the nation's highways.

"In addition, the legislatures of three states—Maine, New Hampshire and Vermont—have amended their compulsory inspection laws to make them more strict. One state, Arkansas, repealed its compulsory inspection law this year. State officials said it was "too stiff," and that motorists of the state "are not yet ready for it."

"Other states having compulsory inspection laws are Colorado, Connecticut, Delaware, Maryland, Massachusetts, Nebraska, New Jersey, New Mexico, Pennsylvania, Utah, Virginia and Mississippi. In Mississippi the law is inactive pending settlement of a law suit.

"The Association pointed out that six other states—Illinois, Minnesota, Iowa, Oregon, Tennessee and Texas—have adopted laws permitting all or certain cities within the state to

require periodic inspection of motor vehicles.

"Under such permissive legislation, or by local ordinance, at least 18 cities in 12 states and the District of Columbia have set up compulsory inspection laws. The cities include Memphis and Knoxville, Tenn.; Chicago and Evanston, Ill.; Des Moines, Sioux City and Wisconsin, Ia.; Cincinnati, Ohio; Billings, Mont.; Miami, Fla.; Omaha and Lincoln, Neb.; Portland, Ore.; Seattle, Wash.; Little Rock, Ark.; Oklahoma City, Okla.; Milwaukee, Wis.; and Washington, D. C.

"Memphis officials when the inspection system first was installed in 1934, found defective two-thirds of the cars seeking inspection "stickers," the Association said. Portland rejected more than 100,000 cars and trucks, and Chicago and Des Moines each rejected about half the automobiles that underwent examination. Estimates of the National Safety Council, the Association said, are that 69 out of every 100 cars which pass through municipal testing stations are rejected as unsafe.

"Brakes, head and tail lights, wheel alignment, steering gear, windshield wipers, horn, tires and

Mount Gilead Gets New Water Works



New projects made available for North Carolina municipalities by WPA funds include the Mount Gilead water works.

rear view mirrors are subject usually to testing under most inspection laws. Some states and cities charge no fee for the service; others charge fees ranging up to 50 cents.

"Standards for determining proper condition of mechanical equipment still are incomplete, the Association said. However, various safety organizations are experimenting with inspection procedures to determine a standard, effective inspection schedule."—*Toledo City Journal*.

Calendar for City and County Officials

OCTOBER

DAY	OFFICIAL	DUTY	REFERENCE TO LAW
1	County Supervisor of Taxation.	Deliver to Register of Deeds list of tax exempt property.	s. 906, Ch. 310, P. L. 1939.
1	County Board of Education and City School Authorities.	Prepare and deliver school operating budget to State Superintendent of Public Instruction and State School Commission.	s. 17, Ch. 358, P. L. 1939.
Each regular meeting of Governing Body.	Sheriff or Tax Collector.	Report to Governing Body concerning taxes collected.	s. 1703, Ch. 310, P. L. 1939.
2	Clerk of Superior Court.	Make quarterly report and remittance on State process tax collected.	s. 157 (f), Ch. 158, P. L. 1939.
2	Register of Deeds.	Make quarterly report and remittance to State for marriage licenses issued.	s. 159, Ch. 158, P. L. 1939.
2	Sheriff or Tax Collector, Governing Body, Accountant.	Day for complete settlement for all taxes if certificates sold in September.	s. 1718, Ch. 310, P. L. 1939.
2	Sheriffs, Tax Collectors, Accountants, Tax Supervisors, etc.	New tax books to be completed and turned over to Sheriff or Collector by today, provided all prerequisites met.	ss. 1103, 1707, 1718, Ch. 310, P. L. 1939.
2	Sheriff or Tax Collector.	1939 taxes become due today.	s. 1403, Ch. 310, P. L. 1939.
10	Clerk of Superior Court.	Make monthly inheritance tax report to Commissioner of Revenue.	s. 20, Ch. 158, P. L. 1939.
15	County ABC Board.	Report and pay State tax on liquor sales for the month of September.	s. 519½, Ch. 158, P. L. 1939.

• MONTHLY SURVEY •

News and Developments from Here and There

Taxation and Finance

County Stockholders

Declaring Robeson county to be a "hundred million dollar corporation," County Manager E. K. Butler pointed out in a recent talk before the Lumberton Rotary Club that each member of its approximately 75,000 population is theoretically a \$1,346.66 stockholder and owes on its bonded indebtedness an average of \$25.34. If only the 21,000 taxpayers were considered, he said, their average "stock" in the county would figure \$4,762.

The county's assessed valuation for taxes in 1938 was \$31,217,870, some \$600,000 less than in 1937. This loss, said Mr. Butler, was incurred as a result of the state's taking over taxation of solvent credits. The total loss was much greater, but was partially offset by other credits.

Listing county-wide bonds at \$1,528,000, Mr. Butler said the county already was prepared to pay for bonds maturing in 1940. One check for \$167,000 will be made out for principal and interest on \$151,000 worth of bonds, saving the county \$8,305 annually in payments to be discontinued.

Smokes Tax

St. Louis, Mo., has joined the list of cities levying municipal cigarette taxes, the Federation of Tax Administrators reports. St. Louis adopted its two cents a package tax in June, and the city anticipates a yield of \$1,000,000 annually.

New York City in June acted to retain its one-cent a package emergency cigarette tax, despite passage by the state legislature of a two cents a package tax. City officials believe their tax will yield approximately \$10,000,000 annually.

Cities now levying local cigarette taxes, besides New York City and St. Louis, include, Birmingham, Ala.; Kansas City, Mo., and four Florida cities.—*Toledo City Journal*.

Short Cuts and Savings

Savings Through Municipal Purchasing

"How a city saved thousands of tax dollars through a municipal purchasing department has been shown in Quincy, Mass.

"A "Department of Purchase and Supply" was created last year, whose business it was to buy the typewriter ribbons, the paper, the gasoline and tires and the hundred other supplies, materials and articles of equipment that city government requires.

"More than 100 articles, mostly office supplies, were carried in stock in the supply department at savings of 10 to 50 per cent.

"Gasoline was bought at tank car price and dispensed to all city cars and trucks at the municipal garage. At the close of the year the city was saving 5 cents a gallon, equivalent to \$7,000 on the 140,000 gallons bought by city departments.

"Tire costs were cut 15 per cent; printing, 25 per cent; hardware, 10 to 20 per cent; paints, 10 per cent.

"Savings made by the purchasing department averaged 10 per cent, or \$35,000 a year that otherwise would have been raised through the tax levy.

"As a by-product of centralized buying the city has been able to keep closer control over expenditures of supplies, materials and equipment."

Principles of Municipal Purchasing

The eight principles of municipal purchasing, according to the News Bulletin of the Public Administration Clearing House, are;

1—Centralized authority over purchasing.

2—Maintenance of competent purchasing personnel.

3—Development of standards and specifications to assure the quality of goods purchased.

4—Consolidation of departmental requirements into quantity purchases to obtain lower prices.

Courts and Records

Gold in Them Thar Hills. "Although tales of hidden treasure have been relegated to book shelves and placed beside fairy stories," a recent issue of the Harnett County News announced that it contained a key to forgotten gold which more than 1300 citizens and firms would receive if they followed the clue to Clerk Howard Godwin's office in the courthouse.

"The clerk's office isn't at the foot of a rainbow nor does the money which will be distributed to the more than 1300 persons represent treasures recently unearthed. The funds, several thousand dollars in all, are unclaimed court costs which have been accumulating over a score of years because witnesses and others entitled to the money failed to call for their checks since the sum was available."

The only reason assigned for the fact that they have been unclaimed is that these persons forgot all about appearing in cases or long ago gave up hopes of getting paid for their testimony and judgments granted.

Although the checks range from 25c to \$90, most of them are for amounts under \$5, with the majority being for \$1.—*Harnett County News*.

No Place for a Jury. Irked because a jury failed to convict a man charged with larceny of an automobile, the Judge told the dozen: "Go downstairs, get your money and get out." He added: "If a jury won't convict on such evidence as was presented by the State I don't want it around the court-house."—*Kinston Daily Free Press*.

5—Stimulation of active competition among bidders.

6—Inspection and testing of goods delivered to enforce compliance with specifications and terms of orders.

7—Control over goods in storage.

8—Control over salvage.

Firemen

Fire Prevention Week

On October 8 Fire Prevention Week will be ushered in by Presidential proclamation for the 18th consecutive year. During those years, this autumn week, the extended anniversary of the Great Chicago Fire on October 9, 1871, has become the regular check-up week for everyone interested in fire prevention and protection. Fire loss statistics are announced, fire prevention bureaus check over their past activities and plan new and better ones, and fire departments look over their facilities and activities and plan to increase their effectiveness.—*Volunteer Firemen*.

Gatesville Fire Department

Recently, the city of Gatesville decided to organize a fire department. A meeting was held and a fire chief and secretary-treasurer selected. The next morning the city fathers and the members of the fire department gathered to witness the demonstration of fire fighting equipment. Suddenly one of the chemical tanks exploded. The city council decided to drop the matter for the time being.—*Gates County Index*.

Automobile Fires

Fred Shepperd, Manager of the International Association of Fire Chiefs, commenting on an article in the magazine "Fire Engineering" states that in 426 cities of all classes of population, 11.52 per cent of all fire alarms (excluding false alarms) in the year 1938 were for automobile fires.

"Car fires are dangerous, not only in themselves," he declared, "but they increase the number of times fire apparatus must interrupt traffic and endanger other motor vehicles."

"This figure justifies the regulations of the Interstate Commerce Commission and of various states which require motor vehicles of some classes to be equipped with fire extinguishers. In the great majority of cases drivers could extinguish fires themselves if a fire extinguisher were carried on every car."—*Journal of American Insurance*.

Health and Welfare

Matrimonial Bureau. He was seventy years old, a farmer of some means, and owned a new horse and buggy. He needed a housekeeper. If she were thoroughly suitable he said he might even marry her. The Lumberton office took the order and several weeks ago was able to refer to him a fifty year old former cafeteria supervisor. Evidently the applicant merited the farmer's complete approval; in the society columns of the local newspaper last week appeared the story of employer-employee wedding. Lumberton's interviewer, proud of her match-making abilities, comments, "We have no hesitancy now in reporting this as a permanent placement."

Acrobat and Prospector

Recent registrants with the N. C. State Employment Service include a gold prospector and a circus acrobat.

Department Store Regulations in 1854

Following are regulations published by an American department store in 1854 for the benefit of its employees:

"Store will be opened promptly at six a.m. and remain open until nine p.m. the year around.

"Store must be swept; counters, base, shelves, and show cases dusted. Lamps trimmed, filled, and chimneys cleaned; pens made; doors and windows opened; a pail of water and a scuttle of coal must be brought in by each clerk before breakfast if there is time to do so, and attend the customers who call.

"Store must not be opened on the Sabbath Day unless absolutely necessary and then only for a very few minutes.

"Any employee who is in the habit of smoking Spanish cigars, getting shaved at a barber shop, going to dances and other places of amusement, will most surely give his employer reason to suspect his integrity and all around honesty.

"Each employee must pay not less than five dollars per year to the Church and must attend Sunday School every Sunday.

"Men employees are given one evening a week for courting purposes

Here and There

"Taxpayers Field"

New High School athletic grounds at Willows, California, according to the *Christian Science Monitor*, is to be called "Taxpayers Field"—the School Board has decided. Declared the Board Chairman: "Taxpayers have an investment of \$13,000 in this field and its time they got some sort of recognition."

Highland or Highlands

Mr. C. A. Brady thinks his Highland drug store must be a mighty well-known place, or else the road maps of this state need a slight revision, he said today.

Reason: Another party of travelers stopped at his store, recently, thinking they had arrived in Highlands, a resort town in the extreme Western part of North Carolina.

This time it was a pair of Fayetteville women, Mr. Brady stated. "They had planned to arrive in Highlands by the end of the day," he added, "so they thought they'd reached the end of the trail here. But I had to tell them the sad news—they had a hundred and fifty miles to go."

Another recent traveler — who went three hundred miles out of his way to the wrong Highland—has arrived home and laughed off his mistake.

Mr. Brady today showed friends a post card from this man, Dr. J. T. Leslie, of Griffin, Ga., saying, "Had good laugh with friends and felt a lot better. Come to see us."

Strikes in Court

Doors of Municipal and other courts in Vera Cruz, Mexico, were draped recently with red and black flags—symbols of strikes in progress.

A court employees' union went on strike because a judge fired two clerks. The courts suspended operations.—*Charlotte News*.

and two if they go to prayer meeting regularly.

"After fourteen hours of work in the store, the leisure time should be spent in reading good literature."—*Employment News*.

City Finance Thermometer

"Day-by day financial reports which enable complete knowledge at all times of what is in the city's pocketbook now are available to Schenectady, N. Y. city officials through a newly installed accounting system, the Municipal Finance Officers' Association of the United States and Canada reported recently.

"In setting up the accounting reports, Schenectady has developed with greater detail systems in use elsewhere in the country. Besides showing the cumulative effect on municipal finances of each day's expenditures, the daily reports provide control of commitments, payrolls and expenditures and give an automatic check to all department heads on the status of their finances.

"Among the facts which can be determined from the seven principal sections of each day's report are: the amount of revenue that has come in to date from various sources, including taxes; what part of each departmental appropriation has been spent; the amount of municipal bonds outstanding; the amount collected and uncollected from the city's special assessment and water accounts.

"These facts are helpful in making decisions which affect the financial affairs of the city as a whole, or departments, or even individual accounts within departments, the report said.

"The statements received by the departments each morning from the finance office provide a transcript of all financial transactions of the total expenditure of each active account for the year, and balances. As a result, it is no longer necessary for the departments to maintain an independent set of books in order to control their expenditures and balances.

"The daily reports to department heads are supplemented by monthly reports. These are bookkeeping machine copies of the current position of all revenue or appropriation cards. Machine computation and automatic printing of many of the items speed up the copying and report process."—*Bulletin*, Schenectady Bureau of Municipal Research.



SANFORD'S NEW ARMORY

The new armory at Sanford is one of twenty-three in North Carolina which WPA funds have helped build. Three more are under construction.

FHA Gives Assistance to Both Tax Collectors and Payers

State, city and county tax collection agencies in North Carolina are given valuable assistance by the requirements of the federal housing administration's insured mortgage system, State Director Aubrey G. McCabe declared recently.

Requirements of the FHA insured mortgage plan that a proportionate share of annual taxes on residential property be included in the monthly mortgage payments also provide the home buyers with a convenient method of meeting tax obligations so that these people remember the usual annual tax bill only by a paid in full receipt, he pointed out.

Furthermore, the state director stated, the cost of tax collections to the municipalities as well as the state and county collection agencies has been minimized greatly through this procedure.

"There can be no tax delinquencies on properties financed under the FHA plan," McCabe declared. "The manner in which a typical mortgage is handled will explain how tax payers and tax collection agencies benefit from the FHA system. When government insurance is granted on a mortgage, the home buyer received

exact information as to how he must repay the obligation. The mortgage is to be repaid, for example, in periods up to 20 or 25 years, and included in those equal monthly payments are pro-rated items for fire and other hazard insurance and taxes."

"In this way the purchaser is not called upon to make a lump sum cash outlay for his taxes but automatically is meeting this obligation in equal monthly installments which eases the burden on the tax payer and at the same time, is a convenience to the tax collector."

"Our procedure eliminates the individual contact for collectors and thus produces material savings. The home buyers make their monthly payments to the respective banks, mortgage companies and other lending institutions qualified to operate under the FHA system. The lenders, in turn, compile the total tax obligations on all properties financed through them and make a lump sum payment to the tax collection agencies when the due date arrives. Thus, the FHA mortgage system saves money for the municipality, county and state and eliminates a major threat to the security of home ownership from tax delinquency."

DELINQUENT TAXES

(Continued from page one)

rate of 1 per cent a year, others 10 per cent a year, and others 20 per cent a year.

It is further apparent from the chart, that if by some unexpected miracle all back taxes for the ten year period 1927-1936 could be collected at once, some cities and counties could dispense with tax levies altogether for 2 years, others for one year, and practically all could reduce the tax levy for one year by 10 per cent or more. It is also apparent that taxpayers in subsequent years will be called upon to pay the tax delinquents' taxes as well as their own.

PHOTOSTATIC RECORDS

(Continued from page five)

ready for operation. The completed photostatic set-up requires only three employees for all phases of its operation, doing all the work now done by 17 employees. The new annual payroll for this work of the Recorder's Office will be \$4,800.00 per year.

"An immediate savings of \$17,-089 per year will result.

"The total annual savings to the County will run as high as \$40,000 per year if the volume of recording work again reaches the 1928 and 1929 levels of 83,000 pages yearly. If such peak is again reached and the manual system were continued, more than double the number of employees now needed for manual recording would be necessary.

How Photostat Is Made

"Photostating is essentially a process which reproduces photographically anything written, printed, or drawn. Just as in ordinary photography, a picture is taken of a subject (in this case, a page of an original document to be recorded) using a specially built camera, on a "film" of high grade linen ledger paper, highly sensitized on both sides for recording use. The exposed film is developed and finished for final binding in a record book.

Advantages of Photostatic Record

"Recording by hand has distinct limitations, which are overcome with photostating: Manual recording does not reproduce exactly the signatures and seals appearing on an original, nor does it provide for complete and identical reproduction of other characteristics peculiar to a given ori-

ginal. It is a relatively slow and laborious process. The Recorder must interpret any illegible or misspelled words appearing on the original, and is also responsible for any errors in transcription which escape detection by even the most expert proofreaders.

"Photostatic reproductions are fraudproof, are as permanently durable as the linen ledger paper on which they are made, and are fully admissible into courts of law in lieu of original documents."—*Kansas City Public Affairs*.

COVER PICTURE

Pictured on the cover of POPULAR GOVERNMENT this month is new WPA-built Jones County Courthouse, Trenton, North Carolina.

TAR HEEL BOYS' STATE

(Continued from page seven)

the full use of the University facilities.

- (3) O. K. Cornwell, Head of the University Department of Physical Education and to Marvin Allen, Dick Worley and Ralph Casey of this department who acted as Counsellors and planned and carried out the entire athletic, sports and recreation program; to other members of the University athletic and physical education department staff, including Coaches Wolfe, Fetzer, Jamieson, Hearn, Quinlan; and to E. Carrington Smith, Manager of the Carolina Theatre.
- (4) To those participating in the program of instruction, including: Governor Clyde R. Hoey, Thad Eure, A. H. Graham, Hubert Olive, Dave Hall, A. A. Brower, H. A. Yancey, Edward Scheidt, D. L. Ward, J. F. Newell, Dr. G. M. Cooper, R. Eugene Brown, Dr. T. M. Cooper, Charles Ross, Walter Cutter, T. S. Johnson, John Baskervill, Sherwood Brockwell, John Lang, Clyde Erwin, R. B. House, and Francis F. Bradshaw.

BOOKMOBILES

(Continued from page three)

by the sponsors. The county commissioners, a library board or a school system may sponsor such a demonstration.

In the extreme Western section four counties, Cherokee, Clay, Graham and Swain are using one bookmobile for demonstration. Books are supplied by the public libraries, by T. V. A. Regional Library Service and WPA Library Project.

Various makes of 1/2 ton panel body trucks have been converted into bookmobiles. Two types of special bodies are used in North Carolina, one has outside shelving, which advertises books as it travels along and the other type has a revolving section of shelving just inside the back doors. Each type has its advantages.

Who Pays the Bill?

"Who pays for this service?" is frequently asked. The County Commissioners include in the appropriation an item for county library service. The operating expenses, gas, oil and repairs for a bookmobile used five days a week all the year, amount to approximately twenty dollars a month.

Many counties could contract for service with an adjoining county, and purchase a bookmobile which would visit every section of each county every month. Books are of first importance, for books of all types are desired. The purchase of books must be included in any permanent plans for bookmobile service.

In a state with a predominance of rural people, the most economical and satisfactory plan for library service is by means of bookmobiles and county stations. North Carolina should have a trained, experienced librarian, books and bookmobiles to serve every county.

As one bookmobile librarian had closed the doors and started the engine, she looked back to see the borrowers going in all directions, each one carrying books to read; one preschool child hugged her animal picture book, one woman had an armful of books one for each member of her family; the small boys had dropped down on the grass to look at their books.

Bulletin Service

Recent opinions and rulings of the Attorney General and State Departments



Prepared by

H. W. McGALLIARD of the Staff of the Institute of Government

I. AD VALOREM TAXES.

A. Matters Relating to Tax Listing and Assessing.

1. Exemptions—religious and educational organizations.

To V. W. Joyce. Inquiry: Property is held in trust, and the income is used for the benefit of ten religious corporations—nine-tenths of such income for domestic religious corporations and one-tenth for foreign religious corporations. Is all, one-tenth, or none of said property exempt for ad valorem tax purposes?

(A.G.) None of said trust property is exempt under sections 600 (7), 600 (8), and 1800 of the 1939 Machinery Act, which provides for exemption only when the income is used exclusively for religious purposes within this state.

To G. W. Craig. Inquiry: Is a home used also as a kindergarten exempted from taxes on account of its use as a school?

(A.G.) The Machinery Act, section 600, subsection 4, provides that "Buildings . . . wholly devoted to educational purposes . . . actually and exclusively occupied and used for . . . [educational purposes] . . . and . . . buildings thereon used as residences by the officers or instructors of such educational institutions" are exempt. Under this section the property mentioned is not exempted.

5. Exemptions—city and county property.

To M. L. McLaughlin. Inquiry: Are municipally owned electric and power lines located outside the corporate limits subject to county taxation?

(A.G.) In our opinion, such lines would be exempt if their maintenance was essential to the service furnished within the corporate limits, but would not be exempt if used solely for the purpose of serving persons outside the corporate limits.

To F. W. McGowan. Inquiry: Are power lines and other equipment of Rural Electrification Authority subject to ad valorem taxes?

(A.G.) Sec. 1694, Subsec. 20, of the Consolidated Statutes provides that the property of electric membership corporations shall be subject to the same taxes as the property of municipalities and counties. Any ad valorem taxes which you place upon the properties of municipalities or counties may be likewise imposed upon the property of the membership corporation.

13. Exemptions—private business enterprise.

To Henry L. Harvey. (A.G.) A city may not exempt a business enterprise from property taxes. However, a city is not required to levy privilege or license taxes.

50. Listing and assessment of property.

To J. A. Tally. Inquiry: Do County Commissioners have authority to lower the valuation of property, not listed by owner, carried forward on unlisted record of tax books?

(A.G.) No. "The only exception to the rule that commissioners may not reduce valuations seems to be that the commissioners may validly reduce an adjustment after adjournment of the Board of Equalization

if the complaint in the particular case was submitted to the Board before its adjournment and the Board should have reached a decision on it, but did not."

79. Deductions from solvent credits — debts and liabilities.

To J. L. DeLaney. (A.G.) In our opinion the provisions of 602 (b) of the Machinery Act, permitting a deduction for ad valorem tax purposes on cotton of indebtedness incurred in its purchase and for which it is pledged, is a valid classification for tax purposes. See *Leonard v. Maxwell*, 216 N. C. 89.

B. Matters Affecting Tax Collection.

10. Penalties, interest and costs.

To J. Ed Butler. Inquiry: Should the penalty set forth in subsection 3 of section 1109 of the Machinery Act of 1939 be assessed against property carried forward by the list taker or only to property that has been discovered as not having been listed heretofore?

(A.G.) Penalty is alike applicable to property which is brought forward by reason of failure of owner or his agent to list . . . and property which is discovered. Subsection 4 of the section, however, gives the local authorities the power to settle and adjust claims arising under this section and they would have the right to remit or compromise such penalties.

To George W. Fletcher. (A.G.) Under provision of Sec. 1719 (k) of ch. 310, 1939 P. L.—costs may be taxed in action brought for the foreclosure of tax liens, in the same manner as other civil actions subject to the provision of the act, and, upon collection of said costs, either upon redemption or upon payment of the purchase price of a foreclosure sale, the fees allowed officers shall be paid to those entitled to receive the same. It is here provided, however, that the fees allowed any officer, whether for personal use of the officer or for the benefit of the unit of which he is an official, shall not exceed one-half the fees allowed in other civil actions. It is further provided that no process tax for use of the state shall be taxed in the bill of costs where the plaintiff is a taxing unit and that no prosecution bond shall be required in such actions.

11. Penalties in municipal tax.

To Charles E. Hageman. Inquiry: Where the charter of the town makes provisions for tax penalties which are different from the penalty provisions of the 1939 Machinery Act, does the latter repeal the former?

(A.G.) I am of the opinion that it does.

16. Tax collection—corrections and discoveries.

To Louis C. Allen. Inquiry: How far back can taxing authorities list and collect personal property taxes, unlisted and uncollected?

(A.G.) Section 1109 of Chapter 310, Public Laws of 1939 provides that when personal property is discovered which should have been listed for the current year, it shall be presumed that such property should have been listed by the same taxpayer for



ASSISTANT ATTORNEY GENERAL

Mr. George B. Patton, recently appointed Assistant Attorney-General, was born on August 27, 1898, in Franklin, North Carolina. He served as Mayor of Franklin, 1928-1933 and 1936-1938, as city attorney of Highlands, 1930-1938, as county attorney of Macon County, 1933-1939, and as Representative of Macon County in the 1939 General Assembly.

the preceding five years, unless the taxpayer shall produce satisfactory evidence that such property was not in existence; that it was actually listed for taxation, or that it was not his duty to list the same during the said years or some of them.

22. Delinquent taxes—time for sale and foreclosure.

To J. L. George. Inquiry: What is the latest date when foreclosure suits may be brought for the collection of 1936 tax receipts where the sale was held on June 7, 1937.

(A.G.) Any foreclosure action under sec. 8037 would probably be barred because more than twenty-four months have elapsed since the sale. However, you could bring foreclosure actions under C. S. 7990 or sec. 1719 of the 1939 Machinery Act neither of which contains any Statute of Limitations.

30. Tax foreclosure—law applicable.

To J. K. Powell. Inquiry: 1. To what years does Section 1720 of the 1939 Machinery Act (providing for alternative methods of foreclosing tax certificates) apply?

2. May a county levy on personal property for delinquent taxes after tax sales have been held?

(A.G.) 1. The years to which Section 1720 applies are found in Section 1723. If the terms of 1723 are complied with, you could use the alternative method set out in 1720 in bringing suit on 1936 tax sales certificates.

2. Section 1713 (c) of the Machinery Act would seem to authorize a levy on personal property for delinquent taxes after a tax sale has been held.

31. Tax collection and foreclosure — procedural aspects.

To Messrs. Roberts and Baley. (A.G.) Under C. S. 593 as amended by chapter 107 of the 1939 Public Laws, the Clerk of

FIREMEN'S INSURANCE

To Ed Boone. (A.G.) The Industrial Commission has advised the Firemen's Association that compensation insurance would cover firemen fighting fires in a residential district outside corporate limits or in neighboring communities in response to emergency calls. Such firemen would also be covered by Firemen's Relief Fund under ch. 36, sec. 119, P. L. 1939. Members of organized fire departments which by agreement have become part of the State Volunteer Fire Department are covered by Workmen's Compensation Act when fighting fire outside the city—either in rural district or neighboring towns.

the Superior Court can render judgments by default final in tax foreclosure actions under C. S. 7990, and may make all subsequent orders therein—including issuance of writs of assistance and possession. This changes the effect of *Bank v. Levevet*, 187 N. C. 743. C. S. 8037 (a½) authorizes clerks to sign default judgments in tax foreclosure actions under C. S. 8037.

72. Tax collection—levy on personal property.

To H. P. Taylor. Inquiry: Does the tax collector of a city or town have authority to levy on the personal property of a taxpayer for the collection of taxes when it is necessary that the levy be made in the same county but outside the corporate limits of the municipality?

(A.G.) I am of the opinion that a municipal tax collector does not have the authority to levy for taxes outside the boundaries of the municipality.

The remedy, in my opinion, is for the local collector to proceed under the provisions of C. S. 7999-8002 by sending an abstract or certificate to the sheriff. Those provisions are made applicable to cities and towns by C. S. 7973, 7974, 7975 and 2816 insofar as they are not expressly applicable.

83. Tax foreclosure—procedure under Sec. 1720, 1939 Machinery Act.

To O. B. Crowell. Inquiry: Is the alternative method of delinquent tax foreclosures provided by Sec. 1720 of the 1939 Machinery Act applicable to 1936 taxes?

(A.G.) Section 1723 makes sec. 1720 applies to taxes "originally due within the fiscal years beginning on or before July 1, 1937" unless such taxes were included in foreclosure actions pending or completed when the 1939 Machinery Act was ratified. With this limitation, the answer is in the affirmative.

105. Deposit of tax collections.

To J. W. Graham. (A.G.) Taxes collected for special charter districts and special tax districts should be kept separate and not commingled with other tax collections. The county tax collector should report to the county treasurer the amounts collected for each separate district. Under Sec. 1334(70), Michie's Code,—Daily Deposit Act—the tax collecting official is required to make daily deposits with the county treasurer, or with some bank or trust company designated by the Board of County Commissioners, such deposit to be made in the name of the county and the fund to which the taxes are to be applied, and such daily deposit is to be reported daily to the county accountant by means of a deposit slip signed by the depository.

II. POLL TAXES AND DOG TAXES.

B. Collection of Poll Taxes.

5. Levy.

To D. V. Meekins. Inquiry: May a tax collector or sheriff levy on personal property and sell it for poll taxes, if less than \$200.00 in value?

2. Is the same property liable, under a certified tax abstract from another County?

(A.G.) Section 601, Machinery Act, 1937, sets forth as exempt from taxation, "wearing apparel, household and kitchen furniture, mechanical and agricultural instruments of farmers and mechanics, libraries and scientific instruments, provisions and live stock, not exceeding \$300.00 total value, and all growing crops."

2. All such property is likewise subject to levy upon certified abstracts of taxes due other counties and municipalities.

C. Use of Poll and Dog Taxes.

1. Schools and poor.

To A. W. Honeycutt. (A.G.) At least 75% of the county poll tax revenues must be appropriated by the county commissioners to the school fund. All county dog tax must go to the school fund. All fines, forfeitures and penalties, excepting tax penalties, go to the school fund. Municipal poll and dog tax are not required to be paid into the school fund.

III. COUNTY AND CITY LICENSE OR PRIVILEGE TAXES.

A. Levy of Such Taxes.

2. Exemption—veterans.

To J. D. Coats. Inquiry: Who is exempt from the peddlers' tax? (A.G.) The County Commissioners, upon application, may exempt Confederate soldiers and disabled soldiers of the World War and Spanish American War who have been bona fide residents of the State for 12 or more months continuously, and issue certificates to peddle in such county without a State license.

10. City automobile licenses.

To Miss Eulalia Midgette. (A.G.) Section 61, Chapter 407, Public Laws of 1937 limits the tax which cities and towns may levy upon a motor vehicle resident therein to \$1.

15. Privilege license on businesses, trades and professions.

To W. E. Williams. (A.G.) Under Section 127(a), Chapter 158, Public Laws of 1939, a State tax of \$5 is levied upon stands, drug stores, service stations, etc., where prepared sandwiches only are served, and under subsection (b) your City may levy a tax not in excess of one half of that amount.

47. License tax on slot vending machines.

To W. A. Dees. (A.G.) Subsection 4½ of section 130 of the Revenue Act of 1939 provides for two State taxes on cigarette vending machines: first an operator's occupational tax of \$100, and second, a license tax of \$10 on each machine. Subsection 7 provides that "counties, cities and towns may levy an annual operator's tax on the machines taxed under subsection 4½ not in excess of \$10.00."

The first proviso of subsection 7 prohibits counties, cities and towns from levying "any annual operator's occupational tax provided in this section." The meaning being doubtful at best, I think it reasonable to conclude that the last sentence of the subsection refers not to the occupational tax but to the license tax on the machines. . . . I am inclined to think . . . that the courts would hold that the total license tax (municipal) on all machines owned by a taxpayer shall not exceed \$10.00.

To Robert P. Burns. (A.G.) Section 130 of the Revenue Act, subsection 7, authorizes

counties, cities, and towns to levy a license tax not in excess of fifty per cent of the State tax on slot machines. If the county commissioners have levied such a tax on slot machines which do not violate the Flanagan Act, it would be the duty of the sheriff of the county to issue such license.

To Sumter Brawley, Jr. Inquiry: Does a music slot machine in which a person may deposit nickels, dimes or quarters, require more than the \$10.00 license prescribed for nickle machines?

(A.G.) Under Section 130 of the Revenue Act of 1937, the Commissioner of Revenue has construed this statute as requiring the payment of \$10.00 State license tax, the machine requiring only a deposit of five cents in order that it may be operated, and the other deposits being merely multiple operations of the required amount of five cents. This department concurs in that ruling.

48. License tax on oil companies.

To J. L. Gordon. (A.G.) Under the provisions of Section 137 (d) of Chapter 158 of the Public Laws of 1939, cities may levy the tax therein prescribed upon persons, firms or corporations engaged in the business of selling illuminating oil or greases, or benzine, naphtha, gasoline or other products of like kind, if there is located in such cities an agency, station or warehouse for the distribution or sale of such commodities, and the tax may be levied according to the scale set out in said subsection.

65. License tax on express companies and franchise carriers.

To Charles M. Reed. (A.G.) In our opinion, section 205 of the Revenue Act, dealing with "Express Companies," refers to those operating over a railroad and not to motor express carriers. Section 30(e), chapter 275, 1933 Public Laws, prohibits municipalities from imposing any franchise or other fee upon franchise motor express carriers.

70. License taxes on chain stores.

To A. J. Maxwell. Inquiry: If a mail order company maintains an "order outlet"—at which samples are displayed and orders taken—which orders are filled from warehouses in other states by shipping direct to customers or to "order outlet" for delivery, is the chain store tax—Section 162, 1939 Revenue Act—applicable?

(A.G.) Yes. Such "order outlet" is a "mercantile establishment." Goods are offered for sale. It would be proper to include all "order stations" in North Carolina, but not ones outside North Carolina in computing the tax.

99. Miscellaneous privilege license taxes.

To Herman D. Stanley. (A.G.) Traveling moving picture shows are taxed under section 103 of the 1939 Revenue Act and where the operator of such shows elects to pay the three hundred dollars tax levied under subsection H of said section counties and cities may levy not more than ten dollars per week provided the admission charge is not more than fifty cents.

To Susie Sharp. (A.G.) Sec. 109 of Revenue Act relating to license tax on photographers is inapplicable to companies selling boxes of film in which small cloth bags are enclosed for the convenience of the purchaser to send film to developing companies outside of the state.

To A. J. Maxwell. (A.G.) If the Greensboro Theatre Guild, sponsored by the Junior League, plans to present four "New York productions" in the 1939-40 session in the WCUNC auditorium, neither Guild nor League is liable for \$25.00 license tax or 3% gross receipts tax under Revenue Act, sec 105, but the New York organization is liable under Sec. 103—\$25.00 a day and 3% gross.

IV. PUBLIC SCHOOLS.**A. Mechanics of Handling School Funds.****14. School budgets—adoption and review.**

To Clyde A. Erwin. Inquiry: Who should originate and prepare the budget for a county or city board of education?

(A.G.) Under the 1939 School Machinery Act, section 15 provides that separate budgets shall be filed with the tax levying authorities of the units for (1) funds to supplement the state school funds, (2) for capital outlay for the schools, and (3) for debt service on the school debt. The act contemplates that the budgets in the first instance shall be prepared and filed with the tax levying authorities by the county and/or city administrative units, and when filed, are subject to the approval of the tax levying authorities, and the state school commission.

B. Powers and Duties of Counties.**17. Apportionment of funds.**

To Clyde A. Erwin. Inquiry: Are County Authorities required to provide the Capital Outlay Budget prior to the collection of taxes levied for this purpose?

(A.G.) It is my opinion that the County Authorities are not required to provide the funds for the Capital Outlay School Budget except as taxes levied for the purpose are collected.

25. Use of county funds.

To C. H. Leggett. Inquiry: May a county legally employ and pay school teachers in addition to those allotted by the state school commission, to teach Vocational Agriculture, Home Economics, and trade and industrial vocational subjects, without a vote of the people?

(A.G.) The School Machinery Act, 1939, Section 9, has been construed by Mr. Erwin to the effect that with the approval of the State School Commission, the budget may be approved for the above purposes, and a tax levied therefor, if within the unit a program, supported in part by State and Federal funds, is carried on.

D. Powers and Duties of Present School Districts and Agencies.**7. Attendance.**

To Clyde A. Erwin. (A.G.) If adults wish to enter the regular high school, to complete high school work, I can find no law which would prevent it. C. S. 5383 would seem to require the admission of such persons. Neither is any distinction made on account of marriage.

31. Elections to supplement state funds.

To H. M. Robins. (A.G.) By the 1933 public school law, all local taxing units for school purposes were abolished, except as to the payment for existing indebtedness. Since your County has taken over the school indebtedness of the Town of Asheboro, the Town has no authority to levy taxes or appropriate funds for current school expenses. This can be done only by a vote of the people in providing a special supplement for schools. The whole purpose of the present school law is for an eight months school term to be operated at State expense.

To B. F. Reynolds. Inquiry: May a small section outside an Administrative School Unit be brought into such unit without an election on the question?

(A.G.) When it is a matter of an eight-month school term, such may be done by the State School Commission, but where additional taxes are levied for a ninth month and/or twelfth grade, an election is required. Section 14, School Machinery Act for 1939.

42. Liability for injuries to pupils.

To Lloyd Griffin. (A.G.) Chapter 245,

Public Laws of 1935, provides for compensation where a school child is injured or killed "while riding on a school bus to and from the public schools." It is clear that the provisions of the Act do not cover a school boy standing by the roadside, who was struck by a school bus.

F. School Officials.**20. School district committeemen.**

To Robert H. Atkinson. Inquiry: Does a County Board of Education have authority to dismiss a District School Committee?

(A.G.) School Committees appointed under Section 7 of the 1939 School Machinery Act are appointed for definite terms, and I think could be removed only for cause.

To Eric Norfleet. Inquiry: Should outgoing school committee elect teachers, or should this function be performed by the school committee appointed by the Board of Education under the terms of Section 7 of the 1939 School Machinery Act?

(A.G.) I am of the opinion that Section 7 contemplates the selection of school teachers by the committee appointed at the first regular meeting during the month of April of this year, that is to say, that teachers and principals should be elected by the new school committee. If the old committee had selected its teachers for the coming year, any contract entered into might be binding upon the new Board, but I seriously doubt the propriety of such action unless the school term ends prior to the first meeting of the new committee in April.

I. School Property.**10. Disposition of school property.**

To M. C. Campbell. Inquiry: When school property, the title to which is vested in a city board of trustees, is no longer necessary for school purposes, which board, county or city, sells the property, and what disposition should be made of the funds realized from the sale?

(A.G.) Section 16 of the 1939 School Machinery Act controls the disposition of funds in such a case. It provides that "all uncollected taxes . . . upon collection, shall be made a part of the debt service fund of the special bond tax unit, along with such other funds as may accrue to the credit of said unit; and in the event there is no debt service requirement upon such district, all amounts collected for whatever purpose shall be covered into the county treasury to be used as a part of the county debt service for schools." In your case this would be in the city

board of trustees. If there is any bonded indebtedness the funds should go to the treasurer of the unit to be applied to the indebtedness. If there is no bonded indebtedness, the funds should go to the county treasurer, as specified in the above statute.

If the property is in a school district under the county board of education, then title to the property is in the county board and they should proceed to sell the property under the above statute.

50. Principals and teachers—elections and contracts.**VI. MISCELLANEOUS MATTERS AFFECTING COUNTIES.****G. Support of the Poor.****21. Poor relief.**

To Norman Hughes. (A.G.) Counties may not file a claim against the estate of a deceased recipient of Old Age Assistance and payments made on account of poor relief and for burial expenses.

VII. MISCELLANEOUS POWERS AFFECTING CITIES.**T. City Health Matters Other than School Health.****20. Keeping animals, etc., within corporate limits.**

To R. B. Slaughter. (A.G.) A municipality would have the authority to adopt an ordinance to prohibit stock from running at large, with provisions, for example, for impounding such stock and imposing a penalty of \$1 per head per day for feeding. It is usual also in such ordinances to provide for collection of penalties by sale of the stock after notice is given to the owner in person, or by publication.

VIII. MATTERS AFFECTING CHIEFLY PARTICULAR LOCAL OFFICIALS.**A. County Commissioners.****5. Trading with members of board.**

To J. O. Tally. (A.G.) C. S. 4388 would, in my opinion, prohibit a County Commissioner from being employed by the County Commissioners to do work of any kind, for compensation, for the County.

Of course, this would not affect the 1927 Act providing for a County Manager form of government, wherein the duties of a County Manager may be conferred upon the Chairman of the Board of Commissioners.

B. Clerks of the Superior Court.**79. Decedents' Estates—distribution and administration.**

To Fred F. Church. Inquiry: Should a

SLOT MACHINES

To Harry M. Brown. Inquiry: What is the present status of slot machines and other coin gambling devices?

(A.G.) The Flanagan Act, Chapter 196, Public Laws of 1937, is still in full force and effect, except as it may be modified by Section 130 of the Revenue Act of 1939.

While the Revenue Act does not in terms repeal any other laws, in effect the licensing of slot machines authorized by Section 130 would make such machines legal, and to that extent would be a substitution for the provisions of the Flanagan Act to the contrary.

The only machines which can be licensed are those slot machines which do not vend automatically any slug, premium, prize, coupon, reward, refund, rebate or other thing of value which might be used in the further operation of such device, or for which no cash value is received. In other words, the machines which are made subject to license are those which do not have any form of pay-off, either in money, tokens, slugs, or other things of value. The Act does not authorize the licensing of any type of slot machine which is in itself a gambling device.

Clerk of Court permit an administrator to bring, in forma pauperis, an action for wrongful death when the distributees who would receive the proceeds of any recovery are solvent and able to give bond for costs?

(A.G.) We think so, for the reasons that the action for wrongful death accrues to the personal representative alone, the distributees are neither necessary nor proper parties, and they have no interest in the action until a recovery. Also, it might be necessary to permit a suit in this manner if the administrator is enabled to discharge his duty to creditors for funeral expenses.

To A. L. Hux. Inquiry: Should a Clerk of Superior Court accept an inventory verified before a Notary Public or other person authorized to administer oaths?

(A.G.) Section 48 of the C. S. does not specify that the oath must be administered by the Clerk or anyone in his office, and, in the absence of such specific requirement, any officer authorized by law to administer oaths in North Carolina could administer the oath.

To T. A. Henderson. Inquiry: May Ancillary Letters of Administration be issued to a non-resident executor who has been properly qualified in another State and proposes to file exemplified copies of the will and of his appointment and give proper bond?

(A.G.) It is my opinion that you have the authority to issue Ancillary Letters to him in this situation. C. S. Section 34(1) First National Bank v. Pancake, 172, N. C. 513.

C. Sheriffs.

45. Term of office.

To Cooper A. Hall. (A.G.) The statute provides that vacancies in the office of sheriff shall be filled by the county commissioners, and the constitutional provision as to vacancies would permit the sheriff so appointed in your county to serve until the next regular election for members of the General Assembly.

D. Registers of Deeds.

9. Marriage—licenses.

To J. C. Knox. (A.G.) Under ch. 314, sec. 2½, 1939 P. L. a couple marrying outside North Carolina would not be required to take a physical examination before marriage. They would have sixty days grace after returning to this state in which to comply with the act. If examination then reveals venereal diseases—procedure could be had under the general laws to compel treatment.

To Lynn A. Mitchell. Inquiry: What procedure should be followed with reference to exemption of non-resident marriage license applicants from the provisions of the North Carolina act requiring certain physical examinations?

(A.G.) A non-resident should be required to comply with the North Carolina act unless he shows to the satisfaction of the Register of Deeds that his state of residence has no similar requirements. Such proof could best be made by a certificate from the Secretary of State of the applicant's state, or by an affidavit of a licensed attorney of such state.

To J. C. Knox. Inquiry: Is the following procedure permissible under the premarital examination laws? The applicant for the marriage license has his examining physician obtain a laboratory analysis of his blood through submission of the blood sample under the name 'X'. After the report is received the physician makes an affidavit that the applicant and X are the

same person, and applicant makes application for a marriage license under his proper name.

(A.G.) In our opinion, such practice would be a violation of the law, and should not be countenanced.

To L. H. Phillips. Inquiry: Are Registers of Deeds charged with the enforcement of Section 2½ of the Marriage License Act of 1939?

(A.G.) The Section requires residents of the State who are married in other States to file with the Register of Deeds of their County the required certificates within sixty days after their return to this State. This imposes a duty upon the persons so marrying. It does not, in my opinion, require the Registers to search out such cases. However, where violation of the Act is called to the attention of the Register, he should bring the matter to the attention of the local prosecuting attorney.

12. Marriage—persons authorized to perform.

To George A. Digges, Jr. (A.G.) A non-resident ordained minister can legally perform a marriage ceremony in this State.

L. Local Law Enforcement Officers.

26. Prohibition—beer law.

To C. G. Paris. Inquiry: Chapter 405 of the 1939 Public Laws, purports to authorize certain counties and municipalities therein to decline to issue 'on premises' beverage licenses. Does this statute specifically amend the Revenue Act in such a manner as to be valid?

(A.G.) In our opinion, the act is drawn with sufficient clarity to identify it as an amendment to the Revenue Act.

30. Slot machines.

To R. L. Shoe. (A.G.) The provisions of subsection 5 of Section 130 of Chapter 158, Public Laws of 1939, relating to seizure and destroying slot machines which do not have attached thereto a proper State license, applies only to the Commissioner of Revenue and his agents and deputies. Under this section, the tax collectors of a county or city would not be permitted to seize and destroy such machines, as therein provided for the failure to pay county or city tax.

38. Automobile drivers' license act.

To J. Granberry Tucker. (A.G.) Subsection 4, Section 12, Chapter 52, Public Laws 1935, provides specifically that a license shall be revoked upon final conviction for failure to stop and render aid, as required under the laws of this state, in the event of a motor vehicle accident.

This office has construed this Section in connection with the 1937 Motor Vehicle Law to mean that it is mandatory upon the department to revoke a license when a person has been convicted of failure to stop in the event of an accident where there was either a personal injury or property damage, or both.

90. Warrants.

To John D. Poole. (A.G.) I do not think, under C. S. 4522, the term "other chief officers" would include the office of city manager so as to authorize the city manager to issue a warrant.

To James A. Glover: It is not the duty of a solicitor of a Recorder's Court, in his capacity as such, to swear out warrants for violations of the criminal laws of this State. Warrants are usually sworn out by the persons aggrieved.

99. Fees.

To D. C. Holt. (A.G.) In our opinion, when a city has no jail and prisoners are

transported to the county jail at the county seat, the officers are entitled to a mileage fee. See C. S. 3908 and Patterson v. Swain Council, 208 N. C. 453.

M. Health and Welfare Officers.

28. County Board of Health.

To A. F. Johnson. Inquiry: Does not C. S. 7064, which makes the Chairman of the Board of County Commissioners, the mayor of the county seat town, and the county superintendent of schools, members of the county board of health, violate the constitutional provision prohibiting double office-holding?

(A.G.) No. McCullers v. Commissioners, 158 N. C. 75, held that this section was not repugnant to Article XIV, Section 7, of the state constitution, but that it simply added further duties to offices already created. The duties of the members of the county board of health are thereby performed ex officio by the various other public officers.

O. Juvenile Court Officials.

5. Probation officer.

To T. A. Henderson. Inquiry: Our County and City each have a Juvenile Court. Does a Probation Officer appointed by the Clerk of Court as County Juvenile Judge have jurisdiction inside the City? (A.G.) Yes, assuming that the county and city juvenile courts are both organized under Chapter 90, Article 2, of the Consolidated Statutes.

T. Justices of the Peace.

5. Costs.

To Mr. Paul Williams. Inquiry: What costs may be charged in a criminal case for a worthless check for under \$10, when the warrant is issued but withdrawn before the trial? May the \$1 charge for the Law Enforcement Officers' Benefit Fund be collected?

(A.G.) Fees that may be charged by a Justice of the Peace are found in C. S. 2923. The \$1 charge for the Law Enforcement Officers' Benefit Fund is collectible only in cases where a conviction is had, and the defendant is required to pay the costs.

10. Jurisdiction.

To Bruce Pierce. (A.G.) Justices of the Peace are given jurisdiction over certain traffic offenses, punishable by up to \$50 or 30 days, under Chapter 407, Public Laws of 1937. But the County Recorders Courts have concurrent jurisdiction over such cases, which may be brought in either court.

To A. Yancey Kerr. (A.G.) A Justice of the Peace does not have jurisdiction to try a case where a person is charged with violation of the license provisions of the Uniform Drivers License Act.

12. Jurisdiction over bastardy.

To Guy P. Jordan. Inquiry: Can bastardy proceedings be brought before a Justice of the Peace?

(A.G.) Section 2 of Chapter 432 of the Public Laws of 1937 is very clear in excluding Justices of the Peace from taking jurisdiction in bastardy cases.

X. A. B. C. Boards and Employees.

4. Powers and duties.

To Mr. George W. Huntley, Jr.: I am of the opinion that it would be a violation of C. S. 4388 for a member of the ABC Board to rent the store building to the Board for use as a liquor store. This statute prohibits a commissioner of public trust contracting for his own benefit.

Guidebooks for Tax Collectors of Counties, Cities and Towns

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