



IN THIS ISSUE



DEPARTMENT OF JUSTICE BUILDING
(COVER)

VAST DEFENSE ACTS VITALLY AFFECT
LOCAL UNITS--UP TO NOW WITH
CONGRESS

COMMISSIONERS ENJOY ANNUAL
CONVENTION

NEW WPA PLANS STRESS DEFENSE
WORKS, TRAINING

BEST POLICE TRAINING IN COUNTRY
PUT IN REACH OF EVERY OFFICER
IN STATE

KEEPING UP WITH TWO CAPITOLS---
WASHINGTON AND RALEIGH

NEWS AND RULINGS OF INTEREST TO
PUBLIC OFFICIALS AND LAWYERS



POPULAR GOVERNMENT





Boys' State to Study Government, Citizenship

THE American Legion's second annual Tar Heel Boys' State will be held in Chapel Hill, August 25 to September 1, with an expected attendance of between 125 and 150 high school leaders from over the State.

The completed program is re-printed on the opposite page, while the two pictures show the highly successful Boys' State of 1939 together with the lobby and registration room in the new Institute of Government Building, which will house this year's sessions.

The Institute will again provide the instruction in government and citizenship for these future citizens, officials, and leaders, and its Director, Albert Coates, will also serve as Director of the Boys' State.

The University will also co-operate through its Extension Division in providing rooms, meals, and medical attention. Facilities and leaders for athletics and recreation will be furnished by the Athletic Department.

The purpose of the Boys' State is to train and inspire the youth of North Carolina in full realization of their responsibility to God and Country and to teach them

the duties, rights, and privileges of Citizenship through participation in governmental functions.

The idea originated in Illinois in 1935 and rapidly spread to other states. Ray Galloway, of Charlotte, served as first Chairman of the Boys' State Commission in North Carolina, and Director Coates paid high tribute to his initiative, energy, and resourcefulness in initiating the program here.

The boys attending are hand-picked from high school leaders throughout the State and sponsored by local Legion Posts and related organizations.

In addition to the regular faculty and counsellors, a number of ranking public officials will be invited to address the delegates from time to time.

Richard L. Young, of Charlotte, is Charman of the 1940 Tar Heel Boys' State Commission. The other members are Mr. Coates and Roy McMillan, of Raleigh, who will also serve as Assistant Director, Amos Maynard of Greensboro, Harry Symmes of Wilmington, Gordon Robertson of Asheville, and Dave Whichard of Greenville.



POPULAR GOVERNMENT

VOLUME 7
NUMBER 2

PUBLISHED MONTHLY BY THE INSTITUTE OF GOVERNMENT

SEPTEMBER
1940

Vast Defense Acts Vitally Affect Local Units

NATIONAL defense problems and measures continued to dominate the Washington scene in late August, but the far-reaching national actions also brought changes and adjustments in many federal programs and activities of vital concern to State and local governments.

The major defense measures, passed and pending, including the National Guard bill, which has just passed both houses, and the Conscription Bill, which is still the subject of heated debate, are shown in the two accompanying tables. These involve a total of approximately 10 billion dollars in appropriations and authorizations, or only 1 billion

--A Summary of the Work of Congress Up to Date

short of the maximum expenditure for any one year during World War I. This is far in excess of possible income, even under the new and higher 1940 Revenue Act. And the Federal Government, compelled by world conditions to make such expenditures, has had as a result to cut ordinary non-defense expenditures to the bone.

Defense Costs Require Cuts Elsewhere

One of the best examples is the WPA, which was cut from \$1,477,000,000 for fiscal 1940 to \$975,650,000, or 29 per cent. The hope, of course, is that the slack will be taken up by increased employment from the national defense program and from English war orders, minus lost foreign trade. But just in case it isn't, Congress authorized the President to spend the entire WPA appropriation in eight months if needed.

"The general tendency is for Congress, as well as the federal administrative agencies to emphasize the national defense angle in connection with regular activities. In the legislative branch, particularly, measures that do not relate to the program are being pushed aside unless they are essential to the regular operation of the government.

"There is even a move to apply a horizontal reduction to all appropriations other than those that would further defense. Thus a flat 25 per cent reduction has already been applied by the House to all items in the regular federal aid highway bill." And such reductions in highway aid, in WPA, in rural rehabilitation, and other activities — necessary though

they may be—will vitally affect State and local governments.

Co-ordinating Relief and Defense

Every effort is also being made to tie the works and relief program closer to the defense program. Thus, the new highway appropriation stipulates that non-matching grants to States shall be spent on roads desirable for defense purposes. A new amendment authorizes the military training of the 300,000 CCC enrollees in "non-combatant" subjects essen-

"America's First Line of Defense . . .

"An unexcelled public service with its consequent increase in the respect of our citizens is the best answer to the current trend to absolute dictatorship in the interest of national efficiency.

"Vital as this rearmament program is, it will be . . . useless unless there stands behind it a united citizenry determined that no inroads will ever be made to destroy the American way of life and the American method of representative government.

"The home front calls for as much attention, for it is there that the long-range development and growth of our American system is accomplished, and it is there that we build for the days of peace, when men have regained their senses . . ."
—William H. Vanderbilt, of Rhode Island, before the annual Governors' Conference.

"What Can We Do?"

—to co-operate and aid effectively in the nation-wide program for preparedness and defense? What can our city do? Our County? Our Chamber of Commerce? Our trade association? This question is being asked on every side these crucial days. And POPULAR GOVERNMENT will welcome letters and suggestions from its readers, lay and official, and will print the best of these in future issues.

Here are a few tips and leads that have already come in: Local surveys of defense facilities, raw materials, and manufacturing capacities; aid in arranging summer vocational courses for defense industries; aid in getting employers to grant leaves to employees called for service; co-operation with FBI and local authorities in coordinating work against espionage and sabotage. However, these are only examples; what the editors want to know is what your own community is doing or planning or what you have to suggest.

MAJOR DEFENSE BILLS PASSED TO DATE

—a bird's-eye view.

NAVAL APPROPRIATION BILL (carrying \$1,308,000,000 for next year).

ARMY APPROPRIATION (carrying \$1,499,000,000).

NAVAL AIR BASES AND AIRPLANES (appropriations to follow).

SUPPLEMENTARY DEFICIENCY (\$1,762,000,000 in appropriations and authorizations for defense).

EXPEDITING NAVAL CONSTRUCTION.

EXPEDITING WAR CONSTRUCTION.

70% NAVAL INCREASE (by 1,325,000 tons and up to 15,000 planes, at cost of approximately 4 billion dollars).

1940 REVENUE BILL (authorizes \$3,000,000,000 National Defense Securities above present debt limit and raises taxes sufficiently to pay for the increase in five years.)

tial to the operation of the military and naval establishments. The Office of Education is seeking enrollment of 150,000 workers from WPA and Employment offices for vocational training in defense industries. And the new WPA regulations waive the 25 per cent (State average) sponsor's contribution as to military projects. (A fuller discussion of the new WPA program will be found in a separate article in this issue.)

Jobs for Soldier-Officials

A number of governmental units and employees have raised the question of how the National Guard and Conscription bills would affect their jobs. In the case of federal employees, reinstatement would be compulsory. In the case of state, county, and municipal employees, it is declared the sense of Congress that they should be reinstated. And in the case of private employment, failure to re-employ is declared an unfair labor practice under the Labor Relations Act, and remedies are provided in the courts.

No new appropriation was made for PWA projects, but the Second Deficiency Act provided that the balance of the 1938 appropriation of \$965,000,000 should be made available until June 30, 1941, thus extending the period of availability for one year.

Bankruptcy to Politics

The Municipal Bankruptcy Act has been extended to June 30, 1942, and has been broadened to give counties and parishes the same opportunity to seek adjustment of their final obligations as the law now allows to municipalities and other subdivisions. The much-publicized Hatch

Bill to prohibit pernicious "political activity" by federal administrative employees was also broadened to include state and local officials and employees who are paid wholly or in part from federal funds.

The Satterfield bill, permitting a State to intervene and become a party to a suit in federal court where the validity of some federal power is in question, and the determination involves a conflict with some State power, was passed by the House over the President's veto and is now up to the Senate. However, any proposed water pollution legislation this session now appears in doubt, since the House refused to yield to the Senate in limiting federal control to new sources of pollution arising after the bill should become law.

Bills of Interest to Business

Other bills, passed or pending, of general interest to business and citizens rather than to officialdom include the following:

Farm Loan Bank Interest (set at 3½% until July 1, 1942)—approved by President.

RFC Loans (RFC extended to 1947 and loan limits to 1955; special authorization as to loans to defense industries)—approved.

Convict-Made Goods (makes interstate transportation illegal, except for federal or state use)—approved.

Investment Trusts (provides for registration and regulation)—passed House 8/1 and Senate 8/7.

Plant Conscription (amendment to repeal Navy power to take over and operate private plants for defense procurement)—passed House 7/31.

Detailed Summaries Available

Space does not permit a detailed summary in this article, but any officials or member citizens who wish full digests or further information on the foregoing or other acts of Congress may secure detailed materials by writing the Institute office in Chapel Hill. Two other items which are available and which will be of general interest to businessmen are a Summary of the 1940 Revenue Act and the Report of the House Subcommittee on Special Amortization and Excess Profits Tax.

STATUS OF MAJOR DEFENSE MEASURES PENDING AUGUST 19

—at a glance.

NATIONAL GUARD BILL (would authorize mobilization for up to one year)—Passed Senate 8/8 and House 8/15 and now goes back to Senate for action on minor amendments.

CONSCRIPTION BILL (would provide compulsory training and service with selective draft and immediate registration of all males of 21-31)—Now under debate in Senate.

SECOND SUPPLEMENTAL DEFICIENCY BILL (would carry almost five billion dollars in appropriations and contractual authority for Army and Navy)—Passed House 7/31 and now up in Senate.

HEMISPHERE FINANCING BILL (would authorize \$500,000,000 in Latin-American loans by Export-Import Bank)—Reported in Senate 8/6, still in committee in House.

PROPOSALS on Excess Profits Tax, Special Allowances for Amortization of Emergency National Defense Facilities, and Suspension of Profit-Limiting Provisions of Vincent-Trammell Act—Under hearings by Joint Committee of Two Houses.

ARMY OF 400,000 (would up enlisted strength from 280,000)—Passed House 6/17, now in Senate.

ANTI-PROFITEERING and WEALTH CONSCRIPTION bills—In Senate Military Committee.



County Commissioners Enjoy Annual Convention

Ward Urges Restoration of Powers to Local Units--Bernhardt New President

THE State Association of County Commissioners adopted a 14-point legislative program, summarized in the accompanying table, and elected R. L. Bernhardt of Rowan as President at its annual convention in Asheville, August 13-15.

Although the attendance was reduced by the storms, floods, and wash-outs on the roads, a majority of the counties were represented, and the sessions proved both profitable and enjoyable. The County Accountants' Association met with the Commissioners again and re-elected John A. Orrell of New Hanover, President.

N. H. V. Balfour of Hoke was named Vice-President of the Commissioners, while John L. Skinner of Warren was re-elected secretary-treasurer.

The President's address by C. C. Ward of Edgecombe stressed particularly the importance of local, decentralized government, ever responsive to the people.

"There is a tendency toward too much centralization in Washington and Raleigh," he declared. "Much of this has been necessary. But the time has come to call a halt and to restore as much as possible the powers of those governmental units closest to the people."

"Whenever government is too far removed from the people, it tends to become unresponsive to their needs," the speaker quoted a statement from

Governor-Nominate J. M. Broughton.

The program for a new series of training schools by the Institute of Government for different county officials was outlined by Director Albert Coates, and the Commissioners passed a resolution endorsing the plans and urging every county to send its officials.

A resolution was also passed urging every County Board to send copies of its minutes each month to the Institute clearing house for use in keeping each Board in touch with developments in other courthouses throughout the State.

H. B. Caldwell, master of the State

Grange; D. Hiden Ramsey, general manager of the Asheville *Citizen-Times*, and C. M. Byers, Division Manager of Standard Oil, were among other featured speakers.

Governor-Nominate Broughton and State Treasurer Johnson were to have been on the program, but had to wire their regrets due to the disruption in transportation facilities by the storm.

Plans were also announced in President Ward's address, outlining last year's busy program and stressing the importance of organization and coordinated strength, for district legislative committees and chairmen this year.

RESOLUTIONS PASSED BY ANNUAL CONVENTION

The County Commissioners went on record as favoring:

1. A road-side control and beautification act.
2. A county building permit law.
3. A county zoning enabling act.
4. Support of a return of revenue from gasoline and motor vehicle taxes for use on city streets.
5. A bill increasing the amount of maintenance of secondary roads from \$90.00 to \$150.00 per mile.
6. A more effective drunken driving law.
7. Opposition to taking any part of local revenue to balance the state budget.
8. Return of intangible tax.
9. State aid to county tubercular sanitariums.
10. Reapportionment of representation in General Assembly.
11. State aid with direct relief and provision for closer supervision of welfare departments by counties.
12. Further study of property classification for taxes.
13. More complete and reliable county agricultural statistics.
14. No new homestead or other tax exemptions.
15. Regional meetings of Association, joint conventions with Tax Collectors, and full-time assistant to Secretary.
16. Endorsement of administration of Governor Hoey and work of Local Government Commission and Institute of Government.

New WPA Plans Stress Defense Works, Training

Retain 25 Percent Sponsors' Requirement---But Raise Federal Maximum to \$100,000

By FRED COHN

Director of Information, W.P.A.

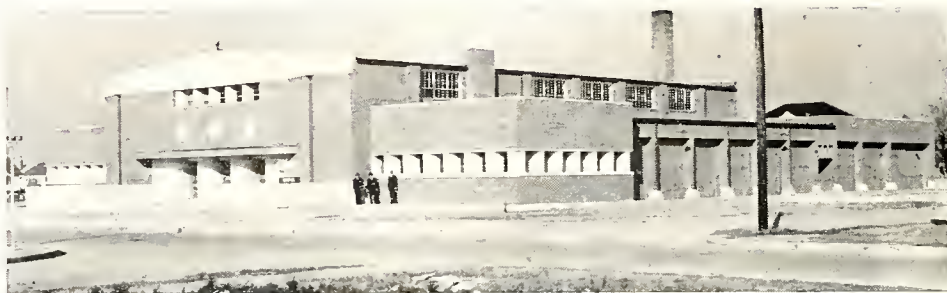
Through July 31, 1940, the total expenditures on WPA projects in North Carolina was \$104,397,911, of which \$27,878,895 or 26.7 percent, was contributed by the sponsoring state agencies, cities, towns, and counties.

The work has been performed on a wide range of endeavors, construction and non-construction, from Adult Education to 635 new public buildings, additions to 75 more, and improvements to 2242 others. In the list of accomplishments are swimming pools, stadia, 9,768 miles of highways, roads and streets. The enumeration is long and impressive.

The tempo of the times make WPA contributions towards National defense especially interesting.

Twenty-six new National Guard Armories have been completed, as well as two repaired and an addition built to another.

Roads are important military factors whether they be for transporting troops and supplies or produce to central positions. Over 1,000 miles of roads and streets are of high type surfacing. Three hundred and twenty-seven bridges were built.



The Lumberton Armory is the largest of 26 WPA-built armories in the State.

At Fort Bragg, the largest artillery camp in the country, WPA workers have placed improvements totaling \$385,000.

Of elemental importance are airports—not alone from a commercial or purely military-base standpoint, but also for the training of “War Birds.” Eleven airport jobs result from WPA labor. Strategically placed are those at Asheville-Hendersonville; Hickory; Charlotte; Greensboro-High Point; the huge U. S. Coast Guard Air Station, Elizabeth City; and the one approaching completion at Wilmington. In addition, 540 air markers, aerial sign posts, were painted.

Last month “refresher” courses were commenced at North Carolina College of Agriculture and Engineering, North Carolina Agricultural and Technical College, Canton, Wilmington, Charlotte, Greensboro, and Durham, to furnish the skills needed by National defense industries. The State Vocational Education division is the sponsor's representative in this State. The WPA project to train defense workers was sponsored by the U. S. Office of Education and the National Defense Advisory Council, and

will reach 50,000 throughout the country.

The New Appropriations Act

The ceiling for WPA participation in any one non-Federal building has been raised from \$52,000 to \$100,000. The only exceptions in which this limit may be exceeded are: (1) Projects approved by the President, by a bond election or by a State appropriation prior to May 15; and (2) projects certified by the Secretary of War and the Secretary of the Navy, respectively, as being important for military or naval purposes.”

The new Act also retains the provision requiring not less than one-fourth of the total cost of all projects, construction and non-construction, to be borne by the State and its political sub-divisions. Since sponsors' participations in non-construction projects have been low, construction projects must continue to carry a higher percentage of the cost to maintain the required 25 per cent average.

Employment cannot be given aliens, communists, Nazi Bund organization members, nor any person who advocates, or who is a member of an organization, that advocates the overthrow of the Government of the United States.

Political activity of persons in WPA administrative or supervisory capacities continue to be stringently prohibited in addition to the provisions of the Hatch Act.

Other than noted, there are no drastic changes in the 1940-41 Act from the provisions of the prior relief bill.

Through five years, an average of 38,500 men and women have been given work by WPA and North Carolina sponsors.



Elizabeth City and Pasquotank County contributed \$50,000 toward the United States Coast Guard Airbase built under a special Congressional appropriation and WPA project.

• MONTHLY SURVEY •

News and Developments from Here and There

Taxation and Finance

Local Tax Trends for 1940

Although many tax rates will not be set until after August meetings, early reports indicate that county and city figures will average about the same as for 1939. Of 37 counties heard from to date, 29 have the same rate as last year, four are up from 2 to 17c, and four are down from 3 to 20c for Halifax. A larger variation is shown among the municipalities, and particularly the smaller towns, for variations in debt maturities have a bigger effect on small budgets, but the city trend is down: only 4 municipalities up, 15 the same, and 14 down from 5 to 30c for Graham.

Other units which have reported reductions up to date include: Counties—Bertie, Edgecombe, and Sampson; Municipalities—High Point, Raleigh, Wrightsville Beach, Lexington, N. Wilkesboro, East Spencer, Salisbury, Whiteville, Enfield, Mt. Holly, Monroe, Scotland Neck, Jackson. POPULAR GOVERNMENT will carry a fuller summary on the new rates in its October issue, and the officials of units which have accomplished noteworthy reductions, surpluses, repayments, and refundings are urged to send in the information on their counties and cities.

Collections and Prepayments

Both these items were generally reported to be up. Top honors for collections went to Scotland Neck and its clerk, J. A. McDowell, who collected 135.5% of their 1939 levy by bearing down on back taxes. And first place for prepayments went to tobaccoland, where Winston-Salem had collected 45.6 and Forsyth 54.2 per cent of their 1940 levies by August 3.

Notes from the Tax Offices

Most counties appear to be following the recent mandate of the Supreme Court and adding to their tax books the property of religious, educational, and fraternal organizations



Congressman Lindsay Warren has been appointed Comptroller General by President Roosevelt.

not used strictly for such purposes. But it is a knotty problem, and many a supervisor has passed the buck, and responsibility, to his Commissioners. A number of units are going ahead with advertising, selling, and foreclosing for delinquent taxes, but a few have postponed action. Winston-Salem recently held a public auction of, and bid in, 3,300 lots on which 1939 taxes were unpaid. The Cumberland Board has voted to distribute tax suits among attorneys by lot, with not more than 20 suits to any one man. High Point initiated a street assessment collection drive this month, and Sanford has moved to collect the rents, wherever possible, on houses on which taxes are delinquent. Iredell Commissioners have awarded a contract to a firm of outside appraisal engineers for a complete, scientific, county-wide revaluation, but Supervisor Hudson in Guilford is proceeding with revaluation plans on his own. Winston-Salem and its Finance Commissioner

Ralph L. Dixon are to be complimented on their excellent annual report. And just to be sure and end this brief round-up on a happy note, a citizens' committee in Wilmington has requested the Council to restore depression cuts in the pay of city employees!

Law Enforcement

The FBI has nothing on one North Carolina city; Elizabeth City's police report for July listed 100 arrests and 95 convictions. And while we're on this subject, the FBI has held several district meetings at which local officers pledged whole-hearted cooperation in investigations of espionage and sabotage. Any complaints or information should be forwarded direct to the FBI office in Charlotte.

The North Carolina Law Enforcement Officers Benefit Fund had a cash surplus of \$114,838 at the close of the fiscal year, and 1,279 officers had applied for membership in the retirement features up to last month.

The beer industry's "clean up or close up" campaign has brought disciplinary action against 232 retailers in the last 11 months and received wide praise from officers.

Crime doesn't pay, but the Guilford-Greensboro court took in \$88,538 in fines and costs in fiscal 1940 as against an annual budget of \$17,500.

Law enforcement headlines: Raleigh and Durham among cities using tri-wheeled motorcycle to check parking. Shelby gets, and Elizabeth City seeks, two-way police radio. Charlotte police trained in first aid. Wilson force uses tear gas when man resists arrest. 70 applicants for three police posts in Winston. Wilmington department compiles night alarm directory. Prisoner rehabilitation bureaus bring results in several counties. Gastonia passes anti-noise ordinance. Highway Patrolmen furnished tourists' materials

and information by Carolina Motor Club.

Traffic deaths in North Carolina for the first half of 1940 were cut to 363, lowest since 1933. High Point topped the larger cities with not a single fatality, followed by Raleigh and Durham with only one each. Asheboro with no fatalities in eight years led the second-size group. Wilmington is being complimented on its modernized traffic code. Elkin recently staged a safety parade, while an educational safety program is under way in Catawba. Winston-Salem's 34th WPA safe driving class recently graduated 34 students. The Plymouth High School will get State Patrolmen to give a six weeks' course to students this fall. The Carolina Motor Club recently made honor awards for safe driving to 19 Charlotteans. Winston has put in an auto letter box at the Post Office, and Durham is seeking additional off-street parking space. And the State Highway Commission has initiated a program of closer co-operation with the State Patrol in eliminating road hazards and improving markers.

Health and Welfare

Alamance, Catawba, and Duplin apparently are three of the few counties which are carrying out the vaccination provisions of the anti-rabies act to the fullest. However, Roxboro reports that it is clamping down on all stray dogs, and Wilmington has a new dog cart and gas chamber.

Typhoid and diphtheria immunization clinics have kept local health departments busy recently. The Gates department also reports 2363 smallpox vaccinations, while tuberculosis clinics are being held in other counties.

The U. S. Public Health Service has allotted this State \$209,700 for an intensive venereal disease control program. Meanwhile several counties have borne down on violators of the syphilis laws, even to the point of jailing those who refuse to take treatment. Virginia's new health law for marriage is also expected to help.

The last monthly report of the Division of Public Assistance showed that a total of 35,694 people re-

ceived \$361,820 in old age assistance during the month, or an average of \$10.18. Mecklenburg led all 100 counties both in number, 1221, and in average, \$14.68. Aid to dependent children in the State totalled \$155,646, aid to blind \$29,031.

Fire Protection

Chief W. H. Palmer of Charlotte recently became the first North Carolinian ever to head the International Association of Fire Chiefs. The State Association is to hold its annual convention in Salisbury, August 26-29. The Kinston fire department has entered into an arrangement with the County to fight rural fires at so much an hour. Lee Commissioners have authorized the purchase of a forest fire truck. Fireman Ray Smith in Greenville recently saved the life of a negro girl, trapped in a burning house, while the Elizabeth City and Windsor departments won Edenton's thanks for their splendid help and co-operation at a fire in a big lumber yard. Mecklenburg has a new electrical ordinance for the county. Chatham had the smallest forest fire loss in the State last year, while High Point's damages last month were only \$125, and Henderson's were exactly—0!



E. B. Denny, prominent Gastonia attorney and citizen, has begun his new duties as State Chairman of the Democratic Party.

Public Works

Charlotte and Raleigh are to have new union bus terminals, albeit the capitol terminal is being delayed by a controversy over the location. Greensboro and High Point are working on plans for a \$350,000 improvement to their joint airport. Laurinburg has a new post office, while Fayetteville is building a new city hall. Kinston has taken bids on a 152-family housing project, while High Point's project has been approved by the State Utilities Commission. Asheboro has opened its new \$130,000 water plant, while water and sewer extensions are under way in Mooresville, Wilson, East Spencer, and Farmville. Rocky Mount and Burlington have sold bonds to pay for big street improvement programs. Graham is to replace its courthouse, last wooden structure in the State, with a new and modern \$35,000 structure, while Davidson is to have a County Office Building. Catawba and Burke have sold bonds for \$97,000 and \$53,000, respectively, for school buildings. And the R. E. A. has announced grants of \$210,000 and \$428,000 respectively, for electrification in Anson and Hoke.



Revenue Commissioner A. J. Maxwell, who is recovering from his recent illness, is shown with T. W. Alexander, Jr. (left) and Albert Coates on his last visit to the Institute of Government.

Institute's Monthly Police Schools Put Best Police Training in Country in Reach Of Every Officer In North Carolina

DRAWING on the FBI as well as State and local leaders for instructors, the Institute of Government is inaugurating a series of monthly Police Schools, designed to bring the best police training in the country within the reach of all of the 3,000 or more officers in the State during the coming year.

Governor Clyde R. Hoey has termed the move the most important advance ever made in police training in North Carolina. And the Police and Sheriffs' associations, at their annual conventions recently, not only endorsed the schools but urged every single member to attend. The officers of the State Highway Patrol, the head of the State Bureau of Identification, and representatives of the FBI and other federal agencies, at the same time, joined in pledging full co-operation and support.

A 7-Day School Each Month

Each Police School will last seven days, and one will be held each month, beginning in October. The first has been tentatively set for October 18 to 25, and others will fol-



"BIGGEST FORWARD STEP—"

"The biggest forward step ever taken in police training in North Carolina," is the way Governor Clyde R. Hoey (above), has characterized the series of monthly Police Schools being arranged by the Institute of Government.

low in November and December, 1940, and in January, February, March, April, and May, 1941.

The training will be open to town and city police; county sheriffs, deputies, and ABC officers; State patrolmen and SBI agents, and representatives of Federal agencies operating in North Carolina. Each department is requested to divide up its force and send a part of its officers each month. However, the first or October school is being limited to chiefs and department heads in order to secure their aid in shaping the training to the needs of their men in the schools to follow.

Special Courses and Institutes

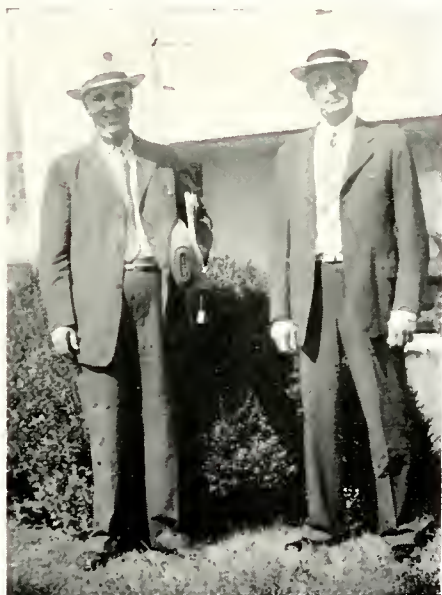
Special courses for fingerprint and record officers will be held the last two days of each school with the aid of FBI and SBI agents.

Special institutes will be held the last two days of each session for city, county, state, and federal judges, prosecuting attorneys, and prison, probation, and parole officials. Several joint sessions and round tables will also be held to give these officials an opportunity to discuss interlocking problems and co-operative methods with the officers.

An outline of the course of instruction, which will stress practice as well as theory, and which will include practical demonstrations and actual practice as well as textbook study and lectures by outstanding police instructors, will be found on the following page.

FBI to Send Best Instructors

The complete instructional staff will not be announced until later, but it will include the outstanding teachers of the National Police Academy, (Continued on page nine)



URGE MEMBERS TO ATTEND

Jimmie Haynes (left) of Cramerton, N. C., was re-elected President and Rick Melver of Darlington, S. C., was named Vice-President of the Police Association of the two Carolinas at the recent meeting in Asheville, which not only endorsed the Institute's monthly schools but urged every single member to attend.

Each Department Invited to Send Part of its Force to Seven-Day Schools to Be Held Each Month—FBI to Send Best Instructors—Police and Sheriffs' Groups Urge Every Member to Attend.



BOTH FBI AND SBI TO AID

The FBI has furnished its best instructors and given the Institute schools its full support from the beginning. One year, Ed Scheidt (left), Special Agent in charge of the two Carolinas, was even given a leave of absence to help organize the training program. Director Fred C. Handy (right), has also promised the full cooperation and assistance of the new State Bureau of Investigation.

The Institute of Government Announces--- A Series of Seven-Day Police Schools

One Each Month --- Starting October, 1940

CRIMINAL LAW, PROCEDURE and EVIDENCE

Instruction will include analysis of the law in North Carolina pertaining to the principal criminal offenses as established by ordinances, regulations, statutes, and decisions of the courts, including:

Crimes Against Public Morals, such as violations of liquor laws, narcotic laws, prostitution laws, gambling laws, and related crimes.

Crimes Against Property, such as arson, burglary, housebreaking, larceny, embezzlement, obtaining property by false pretenses, receiving stolen goods, trespass, and related crimes.

Crimes Against The Person, such as assaults and batteries (including simple assault, assault with deadly weapon, assault with intent to kill, secret assault, false arrest and false imprisonment), homicides (including murder, manslaughter, and self defense), rape (common law, statutory, assault on females, and other sex crimes), kidnaping and abduction, and related crimes.

Instruction will include (1) analysis of the structure and jurisdiction of the various criminal courts, (2) analysis of the laws governing the conduct of officers in making arrests, searches and seizures, and questioning defendants and witnesses and procuring of confessions and admissions, etc., (3) analysis of procedure in preliminary hearings and on trials, (4) preparation of cases for trial, (5) testifying in court, (6) rules governing the admissibility of evidence, (7) analysis of laws governing extradition of fugitives (including Federal statutes against unlawful flight to avoid prosecution and to avoid testifying in criminal cases).

OUTLINE OF COURSES OF INSTRUCTION



INVESTIGATION OF CRIMES

Great emphasis will be laid throughout in making this instruction extremely practical, and the presentation of these topics will center around actual cases, illustrations, demonstrations, and practice work. Special attention will be paid to effective methods of investigating the more serious crimes and crimes occurring most frequently with the methods and techniques applicable to each offense.

Investigation of crimes against public morals and related crimes as listed above,

Investigation of crimes against property and related crimes as listed above.

Investigation of crimes against the person and related crimes as listed above.

SCIENTIFIC AIDS IN CRIME DETECTION

Criminal Identification: document identification; firearms identification; blood stains; making casts of footprints, tiretracks, toolmarks, and other physical evidence of crimes; techniques for the study of glass fractures, soils, fibres, metals, and woods, and other laboratory aids in the solution of crime.

These subjects will be approached entirely from the viewpoint of the investigator in the field and not from the laboratory technician's viewpoint. Emphasis will be placed upon making clear what the criminal laboratory can and cannot do, and the discovery, preservation, and handling of physical evidence.

POLICE TECHNIQUES AND SKILLS

Practical work and instruction in tactics employed in making arrests, searches, and seizures. Intensive training and practice to improve skill in the use of firearms as a defensive weapon. Effective methods of conducting interviews and questioning persons to obtain desired information. Mechanics of preparing confessions which will stand up in court. Detective methods and other special techniques and skills required of police officers.

APPREHENSION OF FUGITIVES

Effective techniques and methods in bringing about the apprehension of wanted persons. Valuable sources of information in tracing the movements and determining the whereabouts of fugitives. Practice work in solving fugitive cases.

POLICE ADMINISTRATION

Personnel, equipment, records, and statistics. Rules and Regulations. Report writing. Police patrol work. Achieving efficiency and economy in the administration of police departments.

COOPERATIVE MEASURES

Between city and town police, township constables, county sheriffs, state patrolmen, State Bureau of Investigation, Federal Bureau of Investigation, and other federal agencies. Between the foregoing police and investigative agencies and prosecuting attorneys, in city, county, state, and federal units, probation officers, prison officials, pardon and parole officials.

PUBLIC RELATIONS

Problems which arise in dealings of law enforcement agencies with the public. Methods of winning the cooperation and support of the public. Crime prevention work. Instruction and practice in public speaking.

MONTHLY POLICE SCHOOLS

(Continued from page seven)

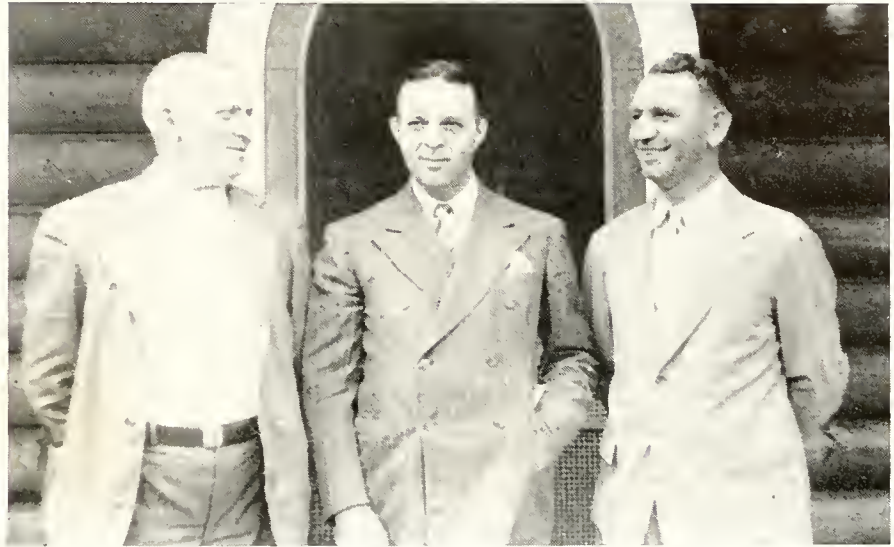
operated by the Federal Bureau of Investigation, which has again pledged its full support and assistance. And it will include, in addition, officers of the State Patrol and SBI, North Carolina police chiefs, members of the judiciary, staff members of the Institute of Government, and a number of technical experts especially qualified as instructors in police subjects. Albert Coates will again serve as Director for the Institute of Government.

All sessions will be held in the Institute of Government's new building, which will be thrown open to the officers' use, including the club-rooms, library and demonstration laboratory as well as classrooms and auditorium.

Cost Put in Reach of All

Rooms will be provided for the officers in the same building with a nominal charge for linen and service. Good meals will be available at the University Dining Hall at as low as 25 cents each or less than a dollar a day. In this way, the entire expense of attendance will be less than 10 dollars per man for a seven-day school, bringing the cost within the reach of every department and every officer in the State.

Counting lectures, discussions, demonstrations, and practice periods, the instruction will last a minimum of 10 hours per day. A regular ex-



STATE HIGHWAY PATROL LEADERS JOIN

The State Highway Patrol, which will take another important part in the arrangements and training, is commanded by Major John Armstrong (center). Captain Charlie Farmer (left) commands the eastern and Captain L. R. Fisher (right) the western divisions.

amination will be given at the conclusion, certificates will be awarded to those successfully completing the course, and these will be presented at final exercises the last night.

To Keep Up and Re-Train

The plan, as announced by Director Coates, is to make this instruction available to every member of every law enforcing agency in the State in one of the schools during the coming year, and to continue the system in the future with re-training schools and advanced courses each year, modeled after the FBI plan. In the interim, officers will be enabled to keep abreast of new developments and to "keep up," so to speak, through correspondence instruction, a clearing house of information, and personal inquiries and consultation.

Training Now Available for All

The Institute of Government's police schools in the past date all the way back to 1930 and have been uniformly successful. However, the former schools have had to be limited, of necessity, for the most part to police instructors and department heads. This is the first time the officers and their organization have had the building and facilities to hold such a school each month, and thus to put this training within the reach of every officer in the State.

Albert Coates, Director of the Institute, first started the training program in 1930, and seven state-wide schools and institutes for city, county, state, and federal officers

were held in successive years, with the attendance increasing from around 40 to almost 200.

Two series of District Institutes were held: the first in September, 1935, with the state divided into eight districts; the second in September, 1936, with the state divided into five districts; with an average attendance of 600 officers to the series. A 10-day state-wide training school for police instructors was held in January, 1937, followed by two series of one-day schools in 1937 and 1938. Many local institutes have also been conducted with the co-operation of Judges and Solicitors in counties and cities throughout the State.

FBI to Give Full Aid Again

The FBI and its Director, J. Edgar Hoover, have given North Carolina officers and the Institute their full support and assistance from the beginning. Their approval of North Carolina's state training program was such, in fact, that in 1937, for the first time in the history of the FBI, they not only sent their ablest instructors but granted one of their agents a leave of absence to help organize the program. This was Ed Scheidt, a former student of Professor Coates and now in charge of the FBI office for the two Carolinas. And both Mr. Scheidt and Director Hoover have pledged the full facilities of the FBI's instructional staff, crime detection laboratory, and other facilities to bring the fullest benefits to North Carolina officers.



SHERIFFS ALSO ENDORSE

The North Carolina Sheriffs' Association, of which George Andrews (left) of Chatham is the new and David Jones of New Hanover the outgoing President, also went on record as unanimously supporting the training program through the Institute of Government.

Local, State, Federal Officers Go in on Annual Meetings

Co-operating privately as well as officially, North Carolina law enforcing officers went in together on their annual conventions last month, and the result set a new high from the standpoint of both business and pleasure. The Sheriffs' Association met at Hickory and the U. S. Treasury Agents at Lake Lure July 28-29, and both groups moved on to Asheville July 30-31 for the gathering of the Association of Law Enforcement Officers of the Carolinas.

Governor-Nominate J. M. Broughton made the feature address at Hickory and again at Asheville, and both groups joined in pledging co-operation in the FBI's drive against espionage and sabotage, adopted the Institute of Government's training program of seven-day schools each month, and passed resolutions urging the State to install a single fingerprint file covering major crimes.

Chief Jimmie Haynes of Cramerton was re-elected head of the joint Association, while Chief E. R. McIver of Darlington, S. C., became Vice-President and Capt. Fleming Mason of the South Carolina Highway Patrol Secretary-Treasurer. The Sheriffs named Sheriff George A. Andrews of Chatham President and N. F. Turner of Wake and Ernest Shore of Forsyth Vice-Presidents and re-elected Ex-Sheriff John R. Morris of New Hanover Secretary-Treasurer.

One of the highlights of the Sheriff's program was the motorcade from Hickory through the Blue Ridge and over the National Parkway to Asheville, stopping at Blowing Rock and Linville Caverns. The Sheriffs' banquet was another feature, but Sheriff L. E. Brown, Chief Charles W. Dermid, and the Asheville entertainment committee went them one better and provided a roof garden party with dancing, floor show, and refreshments, as well as a buffet lunch at the closing session.

The Sheriffs' Association also passed resolutions endorsing the work of the State Departments of Justice and Investigation and favoring uniform bonds for deputies, life

sentences for third-term felons, and a two weeks' court holiday in August

as a joint convention time for judges, clerks, and sheriffs. The Carolinas Association approved a board of ten directors, voted to limit future presidents to one term, and went on record as not sponsoring any newspaper or periodical unless voted at a regular convention.



Officers of Two States Pay Tribute to Croom's Memory

William J. Croom, born in Lenoir County, near Kinston, North Carolina, April 27, 1901; student in the Winterville High School; in a variety of private employments from high school days until 1924; in the public service as a member of the Kinston Police Department in 1924, as Lieutenant in the State Highway Patrol in 1929, as Director of Public Safety in the City of Durham in 1936; drowned in Neuse River near Camp Bull Durham on Monday, May 13, 1940.

He was a fearless officer, never known to flinch in the face of danger; a fine co-worker who always pulled his part of the load and more; an efficient administrator whose insight, fairness, and understanding won the complete loyalty of his men; a matchless comrade whose spirit of fun, fellowship, and adventure stayed with him to the end.

He attended the first training

school for law enforcing officers held by the Institute of Government. He stuck to this training program as it expanded from two days, to four days, to ten days, and received his certificate of completion from the hands of Governor Hoey in January, 1937. He arranged with the Institute for a training school for all his men in the Durham Police Department in 1936 and in 1938 and arranged for members of his force to attend state, regional, and national training schools. And thus by precept and example he worked without stint or limit to raise the standards of law enforcing officers.

At the meeting of law enforcing officers of the two Carolinas in Asheville recently, his fellow officers in two states stood with bowed heads in tribute to his memory and placed on its minutes resolutions of esteem which were already written in the hearts of those who knew him.



Keeping Up with Two Capitols



RALEIGH

A Decade of Progress

It may have begun as the "depression decade," but Governor Hoey's term will bring to a close one of North Carolina's most prosperous industrial and governmental decades, according to a recent "A. P." sum-up of his administration. Among the chief accomplishments listed were: Completion of the State's greatest building program; reduction of the State debt by 41½ million dollars; tremendous industrial expansion and agricultural progress; creation of the greatest state highway system in the nation; establishment of the first state-wide eight month school term in the country; and provision for the strictest state supervision of local government finances in the United States.

Taxation and Finance

Although the Legislature does not meet until January, the long and arduous job of framing the State's Budget for 1941 and 1942 is already under way. The Advisory Budget Commission concluded its two weeks' inspection tour of State institutions, August 10. Members report that most agencies are asking substantial sums for expansion and additions, but Governor Hoey has argued the need of economy, and the battle lines are drawn for this fall's public hearings on budget requests.

Tax collections for July continued to run ahead of last year by 6.33 per cent, and the State ended the fiscal year with a surplus of more than 8 million dollars in spite of last year's record expenditures. So reassuring was this news, State school authorities made use of the power, granted by the last Legislature, to up teachers' salaries for next year by \$428,000.

Highways—Ordinary and Defense

North Carolina's highway system is known as one of the nation's best so far as ordinary civilian and commercial travel goes. But it still has a long way to go to meet the defense needs of Army tractors, tanks, and mechanized columns. And so it is that the State Highway Department is making a survey for the Army of improving 1,225 miles of present roads into a network of military highways. Meanwhile, work is moving rapidly on the usual summer program of construction and improvements (plus storm and flood repairs) and the biggest "letting" in several months has been announced for August 27—16 projects estimated to cost \$1,307,000.

WASHINGTON

Taxation and Finance

Federal tax collections for fiscal 1940 totalled 5,339,583,925, up 158,000,000, and those in North Carolina hit an all-time peak of \$329,096,313, fourth largest of any State. However, record spending for defense continued well ahead of taxes; and the Treasury Secretary forecast a \$5,700,000,000 deficit this year, while the federal debt moved nearer and nearer to the old limit of \$45 billions. National income was up to \$70 billions last year, but not enough, and House leaders rushed work on new excess profits taxes, to go with the upped 1940 Revenue Act, in an effort to help meet the cost and knock out bottlenecks impeding defense production.

Counting Noses and Votes

The official announcement of the new census figures this month has revived the reapportionment issue and produced a welter of speculation from the politicians and newshawks. Will the next Congress give North Carolina another Representative, and if so, will the populous 10th District be split, or what? And will the next Legislature listen or turn a deaf ear to the complaints of those counties which regard themselves as either under-represented or over-populated? In these questions may be many a headache before their final solution, for the 1940 census of 3,561,990 is 391,714 over 1930, and the 12 per cent gain is by no means evenly distributed.

We See by the Headlines

Employment service placements on public works down, private jobs about the same. . . . NYA allocates \$715,497 for school and college program next year, trains boys for defense occupations. . . . REA lines in State worth \$22,000,000 serve 19,573 homes in 100 counties. . . . Highway Patrol traveled 643,417 miles, inspected 35,012 vehicles, made 2,569 arrests in July. . . . ABC Board lowers prices August 1 to make up for increased tax and combat bootleggers. . . . UCC pays \$505,486 to State's unemployed in July. . . . 2,774 drivers' licenses revoked in first half of year, 95% for drunken driving. . . . State G-Men (SBI) get 33 new cases, solve 14, in July. . . . Library Commission seeks State aid for county and city libraries. . . . Probation officers keep eyes on 2,964 wards of State. . . .

For other information on federal affairs and Washington developments see the Summary of the Work of Congress Up to Date and the article on the New WPA program elsewhere in this issue.

Bulletin Service

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



Prepared by

M. R. ALEXANDER, Consultant of the Staff of the Institute of Government

I. AD VALOREM TAXES

A. Matters Relating to Tax Listing and Assessing.

3. Exemptions—Property of State agencies.

To I. E. Carlyle. (A.G.) State-owned property of the Winston-Salem Teachers College is not subject to a street paving assessment of that city. It is necessary that an act of the General Assembly expressly authorize the assessment of State-owned property or that such should follow by necessary implication; otherwise property of the State is not subject to such assessment.

To L. B. Rogerson. (A.G.) A County has no legislative authority or right to assess for taxation property belonging to the State and held by the University as a State institution.

5. Exemptions—city and county property.

To W. P. Stradley. (A.G.) Real property acquired by a town by foreclosure proceedings and placed in the Sinking Fund as assets of that fund is taxable by the County.

12. Exemptions—veterans.

To Joe Cordaro. (A.G.) Veterans of the various United States wars are not exempt from ad valorem taxes.

25. Revaluations.

To A. L. Butler. Inquiry: Does Section 300 of the Machinery Act make it mandatory or discretionary for County Boards of Commissioners to revalue property in 1941?

(A.G.) We think a revaluation is mandatory, but the Boards have the option of a revaluation by actual appraisal or by horizontal increase or reduction, or both.

However, we think this requirement would be met if a County Board, after a careful study, finds county tax values fair and just, and adopts such values in its minutes, subject to a review of any particular properties as a board of equalization.

29. Exemptions—\$300 personal property.

To Julian G. Dees. (A.G.) Where a husband and wife are living together, they are entitled only to one \$300 personal property exemption from ad valorem taxation.

30. Situs of personal property.

To R. A. Collier. Inquiry: Where a merchant has personal property in a city, but lives outside the limits, where should such property be listed?

(A.G.) Under Section 800, Chapter 310, Public Laws of 1939, in general, all tangible personal property and polls shall be listed at the owner's residence. However, under Subsection (4) tangible personal property shall be listed at the place where such property is situated if the owner or person having control thereof hires or occupies a store, mill, dockyard, piling ground, place for the sale of property, shop, office, mine, farm, place for storage, factory or warehouse therein for use in transactions with such property.

88. Deduction—in case of loss by fire.

To Robert T. Wilson. (A.G.) The Board of County Commissioners has no power to

change the assessment value of real property where buildings on it have been burned subsequent to the time the taxes were listed.

SANITARY DISTRICT TAXES

To J. E. Shell. (A.G.) The tax of a sanitary district is collected as other county taxes and every ninety days the amount of tax so collected is required by law to be remitted to the sanitary district board and deposited by said board in a bank in the State of North Carolina, separately from other funds of the district. Such bank is required to execute a proper surety bond for the proper care and disbursement of and accounting for said taxes.

B. Matters Affecting Tax Collection.

14. Delinquent taxes—requirement of advertising.

To C. T. Doughton. Inquiry: Who has the power to select the newspaper in which unpaid taxes shall be advertised—the County Commissioners or the Tax Collector?

(A.G.) This is the responsibility of the governing body, since Section 1715 of the Machinery Act charges them with making a contract with the newspaper, and requires the Sheriff to publish the list in the newspaper so selected.

16. Tax collection—corrections and discoveries.

To W. C. Barfield. (A.G.) Property previously considered not to be liable for ad valorem taxation but now liable by virtue of a recent decision of the State Supreme Court may be assessed for the preceding years during which it has escaped taxation, not exceeding five in addition to the current year.

31. Tax collection and foreclosure—procedural aspects.

To H. R. Leary. (A.G.) We believe your County would be safe in including in tax foreclosure actions brought under C. S. 7990 all delinquent taxes for prior years against the same property and taxpayer, and taking non-suits in cases previously brought on the earlier taxes. This perhaps

SALES TAX EXEMPTIONS

To Wade Barber. (A.G.) The only sales exempt from the sales tax under the Revenue Act are sales to the State or its subdivisions. This includes sales of merchandise and articles of commerce to agencies of the State or local governments for distribution in public welfare or relief work.



ATTORNEY GENERAL
HARRY McMULLAN

would be the desirable thing to do, as it would not involve any additional service costs and would enable you to bring in all the necessary parties.

II. POLL TAXES AND DOG TAXES.

B. Collection of Poll Taxes.

1. Penalties.

To F. J. McDuffie. (A.G.) Poll taxes are to be treated as all other taxes prescribed in the 1939 Machinery Act in so far as interest and penalties may be assessed for non-payment.

III. COUNTY AND CITY LICENSE OR PRIVILEGE TAXES.

A. Levy of Such Taxes.

14. Privilege license—beer and wine.

To Louis C. Allen. (A.G.) A beer dealer may not remove his place of business from the place which was licensed to a new location in the same county and continue to sell beer under the same license.

Section 509 of the 1939 Revenue Act provides that the "On Premises" and "Off Premises" licenses authorize the licensee to sell such beverages at retail only "on the premises designated in the license" and only "off the premises designated in the license."

40. License tax on peddlers.

To W. J. Sherrod. (A.G.) A salesman who takes orders for later delivery, even though the delivery is made by the salesman himself, is not liable to the Peddler's Tax which municipalities are permitted to levy.

To R. E. Shervette. Inquiry: May a municipality levy a privilege tax on a person peddling fish in that town?

(A.G.) Under Section 121 (f) of the Revenue Act, peddlers of fish are exempt from the license tax therein prescribed. Under the last paragraph, municipalities are not permitted to levy upon persons so exempted in Section 121.

To R. E. Shervette. Inquiry: May a municipality tax an out-of-state apple peddler?

(A.G.) Section 121 (b) of the 1939 Revenue Act provides for a privilege tax on any person peddling products of the farm. Subsection (c) levies a peddlers' tax upon those who sell fruits or vegetables from vehicles which operate upon the street or highway. But this section does not apply

to the sale of farm products raised on the premises owned or occupied by the person, firm or corporation, his or its bona fide agents or employees, selling the same.

47. License tax on slot and vending machines.

To M. O. Wyrick. (A.G.) The section of the Revenue Act taxing slot machines vending soft drinks at 5c prohibits cities and towns from levying any tax "against vendors selling solely soft drinks at five cents." However, cities and towns may, under another section, levy a tax for operating a soft drink stand, even if the drinks are retailed only from a vending machine.

To J. Shepard Bryan. Inquiry: Is a municipality legally bound to issue licenses to operate pin board machines because the State has licensed them?

(A.G.) This mere fact does not necessarily mean that the machine is legal. However, I do not think your town would have authority to refuse to permit the operation of a slot machine which is declared to be a legal machine under the terms of the Revenue Act.

58. License tax on filling stations.

To R. E. Shervette. Inquiry: What tax may a municipality collect under Section 153 of the 1939 Revenue Act from a service station?

(A.G.) This section limits the amount to one-fourth that levied by the State.

60. License tax on laundries.

To L. H. Zock. Inquiry: If a laundry operates more than one truck, may a town collect a privilege license tax for each truck?

(A.G.) Only one privilege license tax can be collected against a laundry operating in the town.

63. License tax on dealers in auto accessories.

To W. F. Rawls. Inquiry: May a city levy privilege tax on motor vehicle dealers?

(A.G.) Yes. Section 153, subsection 4, of the 1939 Revenue Act, sets the State tax and paragraph (e) permits counties, cities or towns to levy a tax not in excess of one-fourth of the State tax, with a minimum of \$20.

To A. B. McCrary. (A.G.) A firm paying a license tax levied against dealers in motor vehicles would not be required to pay an additional tax upon gasoline pumps operated in connection with such business.

70. License tax on chain stores.

To L. H. Zock. Inquiry: If a man owns a store in one town and there is a store in another town in his wife's name, may the latter town collect a chain store tax from him?

(A.G.) This mere fact alone would not in itself make him liable to a chain store tax. The question would turn on whether or not he was engaged in the business of operating a chain store as defined in Section 162 of the Revenue Act.

95. Population as basis of tax.

To R. B. Lee. (A.G.) Under the State Revenue Act certain privilege taxes levied by cities and towns are regulated in amount according to their population by the latest Federal census. The governing body of the municipality may follow the census of 1940 as certified by the campus officials.

101. Securing information for assessment.

To Wm. C. Barfield. Inquiry: Our city levies certain privilege taxes on businesses in conformity with the State law on the basis of gross sales. Is an ordinance valid which requires such businesses to make their records open to the City Clerk as a means of verifying their sales?

(A.G.) We are of opinion that this is

a valid exercise of authority granted to municipalities under C. S. 2677, authorizing cities to levy taxes against businesses therein.

B. Collection of License Taxes.

25. Fees for collection.

To C. T. Doughton. (A.G.) We do not think a Sheriff can set off money which the county owes him against moneys which he holds in trust for the county as tax collector. He merely has a claim against the county which he can enforce by a mandamus to require the Commissioners to issue a voucher in payment.

To James Hutchins. (A.G.) The Board of County Commissioners and the Board of County Education have no authority or right to enter into an agreement with taxpayers for them to advance money to be used in the construction of school buildings and to reimburse them by means of tax receipts covering future taxes of such taxpayers.

IV. PUBLIC SCHOOLS.

A. Mechanics of Handling School Funds.

6. Transfer of funds.

To J. B. Rodgers. Inquiry: A County issued bonds to build two schools, but one project was abandoned, and \$9,000 of the proceeds is left in a Special School Bond Fund. May this be used to retire bonded indebtedness and interest on the county-wide school debt? (2) The County also has \$8,000 worth of unsold bonds from the same issue. What should be done with these?

(A.G.) See County Finance Act, Michie's Code, Sec. 1334 (38). Due to the restrictive nature of this statute, and the drastic penalties, we do not think the County could use these funds except: (1) that specified in the order authorizing said bonds; (2) for paying the principal or interest; (3) for the cost of preparing, issuing, and marketing bonds; (4) for the payment of any notes issued in anticipation of the sale of the bonds.

(2) We think the County Board should pass a resolution rescinding the order authorizing the issuance of the \$8,000 unsold bonds and ordering them to be cancelled and destroyed.

B. Powers and Duties of Counties.

69. Districting attendance.

To Clyde A. Erwin. (A.G.) There can be no transfer of school children from one administrative unit or district to another unless it has first been determined that sufficient space is available in the second unit, and the question of the availability of space should be passed upon by the local governing authorities of the receiving unit or district. After this has been determined, it is within the discretion of the State School Commission as to the transfer of such children.

D. Powers and Duties of Present School Districts and Agencies.

6. Location of school buildings.

To Dallas Mallison. Inquiry: What is the law concerning the power of the State and County in the location of a school site? (A.G.) We refer you to C. S. 5408-5469.

35. Allotment of teachers.

To Clyde A. Erwin. (A.G.) The assignment of teachers to the various schools in a school district by the district school committee is not effective until it has been approved by the County Board of Education.

F. School Officials.

1. County Board of Education.

To T. J. Jessup. (A.G.) Members of the County Board of Education are nominated in the primary and appointed by the General Assembly, and must take the oath of office on or before the first Monday in April.

District school committees must be named by the County Boards of Education at the first regular meeting in April, 1939, and biennially thereafter.

The district committeemen take office upon the expiration of the terms of the incumbents, and teachers are elected by the committeemen in office at the time prescribed for such election.

20. School district committeemen.

To E. B. Denny. (A.G.) All actions brought by a private relator, upon leave of the Attorney General, to try the title to an office, must be brought within 90 days after the induction into office to which the title is being tried. C. S. 877.

41. School attendance.

To Clyde A. Erwin. (A.G.) A pupil may not be suspended from school except for the current year. If he gives cause during the following year, he may be suspended again.

50. Principals and teachers—election and contracts.

To Mrs. Minnie Wallin. Inquiry: How are principals and teachers selected?

(A.G.) The district committee elects the principals, subject to approval of the county superintendent and board. The principals nominate and the district committee elect the teachers, subject to approval of the county superintendent and board. If the local authorities are unable to agree, the county board makes the selection.

To Mrs. Minnie Wallin. (A.G.) In the election of teachers by a district committee, a majority vote would control. If there are three members of the committee and two members voted to elect a teacher, such teacher would be elected in so far as action by the district committee is concerned.

51. Teachers—duty to notify those not re-elected.

To J. H. Moody. (A.G.) The fact that a teacher is not notified of her rejection within the time prescribed by statute does not entitle her to employment in such school for another year.

To J. H. Moody. (A.G.) No provision is found in the School Machinery Act which would penalize the school authorities for failure to notify teachers of their rejection prior to the close of the school term.

52. Employees—Workmen's Compensation.

To C. Reid Ross. Inquiry: Are NYA student workers in the county schools entitled to Workmen's Compensation as employees of the County Board of Education?

(A.G.) We are inclined to agree with the Industrial Commission that these students are employees and come within the purview of the Workmen's Compensation Act.

I. School Property.

10. Disposition of school property.

To Clyde A. Erwin. (A.G.) When a County Board of Education is of the opinion that public school property has become unnecessary for such purposes, it may sell such property at public auction after proper notice and advertising. C. S. 5470-a.

Such property may be sold at private sale only if the board is of the opinion that the amount offered at auction is inadequate.

V. MATTERS AFFECTING COUNTY AND CITY FINANCE.

1. Issue of Bonds.

20. Submission to vote.

To B. F. McLeod. (A.G.) There is no law relating to municipal corporations which would prevent the holding of a bond election under the provisions of the Municipal Finance Act at any time after the question has been submitted to the voters of a municipality and been defeated.

L. Local Budgets and Audits.

12. Transfers of items.

To Summersill & Summersill. (A.G.) The County Fiscal Control Act prohibits the

Carolina laws a city is fully authorized to construct walkways and driveways within and around cemeteries, whether within or adjacent to the city limits.

K. Grants by Cities and Towns.

7. Advertising.

To Scott & Collier. A city tax and grant for the Chamber of Commerce was authorized by a 1925 law and approved by a 1927 vote. The Chamber later went out of existence, and the levy was discontinued. Would a levy to the Chamber, which has now been revived, require another vote?

(A.G.) We think the authority still exists under the former law and vote to continue the appropriation without a new vote of the people.

N. Police Powers.

20. Regulation of trades and businesses.

To C. H. Whitlock. (A.G.) It is true, C. S. 2787 (36) provides that municipalities may license and regulate all motor vehicles operated for hire in the city. But the State, by adopting the Uniform Drivers License Act, has taken the responsibility itself to regulate motor vehicle operators in this State, both private and for hire. And we doubt the validity of a municipal

people a town board may pass a valid ordinance to prohibit their being played after certain hours.

X. ORDINANCES

10. Interpretation of particular ordinances.

To C. P. Hinshaw. (A.G.) There is no general statute giving municipalities the right to prohibit the charging of a fee for becoming surety on a bail bond, or no State law branding the same as illegal.

Y. Streets and Sidewalks.

20. Payment and collection.

To P. W. Glidewell. (A.G.) A municipality is not empowered to garnishee the wages of a property owner for unpaid street assessments.

DEDICATION FOR COURT?

To J. K. Warren. Inquiry: Is it necessary to dedicate a courthouse before it can be used for holding court? (A.G.) No.

transfer of money from one fund to another, except an appropriation for general county expenses. Therefore, money in a county school fund may not be transferred to the bond interest redemption fund.

VI. MISCELLANEOUS MATTERS AFFECTING COUNTIES

F. Sanitary Districts.

To C. R. Helsabeck. Inquiry: Please interpret the statute regulating election of the board of a Sanitary District set up under C. S. 7077 (f).

(A.G.) We think the election should be held by the election officials appointed by the County Board of Elections to hold the general election in the township in which the Sanitary District is located. But of course, only the qualified voters residing within the boundaries of the Sanitary District would be entitled to vote on Board members.

G. Support of the Poor.

13. Poor relief.

To W. E. Easterling. (A.G.) A Board of County Commissioners has authority to appropriate money for the purpose of operating sewing rooms in which clothes for the needy poor are manufactured.

X. Grants and Contributions by Counties.

2. National Guards and armories.

To Julius Banzet. (A.G.) Under C. S. 1297 (41) and C. S. 6888, counties are authorized to make a reasonable appropriation from available funds without borrowing, for the purpose of defraying the costs in the construction of an armory.

6. Public libraries.

To Mrs. Mary G. Burgin. Inquiry: May a county include in its budget funds for a library and a "bookmobile" and levy a tax for same?

(A.G.) We think you would under C. S. 2694, authorizing grants to establish and maintain a public library upon petition as set out, and under 1297 (42), authorizing cooperation in extending library service to rural communities.

12. Fairs.

To Grover C. Davis. (A.G.) In the absence of an empowering statute, a county is not authorized to purchase land to be used for a county fair. However, a municipality or county may appropriate not to exceed one hundred dollars to aid any agricultural, animal or poultry exhibition held within such municipality or county.

VII. MISCELLANEOUS MATTERS AFFECTING CITIES.

J. What Constitutes Necessary Expenses.

27. Donation to cemetery.

To E. Ralph Allen. (A.G.) Under North

PENSIONS OF DECEASED

To Nathan Yelton. Inquiry: If an old age benefit check has been delivered or mailed, and the grantee dies before endorsing it, does the money revert to the State or become the property of his estate?

(A.G.) Usually a pensioner has no vested right in a pension, but when any particular award becomes due or is made, the pensioner's right to that award is generally considered vested, and his subsequent death would not return the ownership to the State.

However, a pension is for the pensioner's future support, and if the award had not been made at the time of his death, a check, subsequently issued, would have to be returned to the State.

ordinance which attempts to place further requirements on a person engaging in this business. This is particularly true, since Section 34 of this Act provides that "there shall be no operators or chauffeurs license issued within this State other than that provided for in this Act, nor shall there be any other examination required."

To M. C. McLeld. (A.G.) A municipality does not have the power by ordinance to limit the number of taxicabs operating therein.

It does not have the power to prohibit the parking of taxicabs on any street within its limits, but it does have the power to require them to make use of designated stands in certain parts of the city. Solicitation by the drivers may be limited to the stands on the designated streets.

To Ira T. Johnson. (A.G.) A town board does not have authority and power to enact an ordinance fixing the opening and closing hours of service stations.

A town board would not have authority to prevent "loitering" around a filling station of persons not assisting in conducting the business, unless the conduct of such persons amounted to a public nuisance or a breach of the peace.

If radios or other music machines are played loudly enough to annoy or disturb

SIDEWALK CONTRACTS

To W. N. Rose. (A.G.) Citizens who wish to have their property improved by paving or sidewalks may waive the requirements of a petition and sign a contract with the city to pay the actual cost. See Charlotte v. Alexander, 173 N. C. 515, and Insurance Company v. Charlotte, 213 N. C. 500.

Our court has also held that where the required petition is not filed, the assessments are invalid, but the defects may be cured by a validating act of the Legislature. Crutchfield v. Thomasville, 205 N. C. 709.

VIII. MATTERS AFFECTING CHIEFLY PARTICULAR LOCAL OFFICIALS.

A. County Commissioners.

32. Power to dismiss employees.

To William G. Pittman. (A.G.) Where the County Commissioners are given power by statute to appoint an official, but his term is fixed by statute, the Commissioners have no power to remove the appointee.

Where a statute permits the County Commissioners to appoint a person and fix his salary, the Commissioners probably have power in this State to diminish the amount of compensation. However, a reduction which shows a manifest purpose on the part of the Commissioners to abol-

HOUSING AUTHORITY PURCHASES

To R. L. McMillan. (A.G.) The Housing Authority of the City of Raleigh should advertise for bids where it contemplates the purchase of coal the cost price of which will exceed \$1,000.

ish the office, which they are not empowered to do, may be reviewed by the Courts.

B. Clerks of the Superior Court.

1. Salary and fees.

To Robert S. McFarland. Inquiry: Where an administrator has filed an annual account and has delivered to the heirs \$35,000 of a \$40,000 estate, and is ready to file his final account, is the Clerk entitled to fees on the gross estate of \$40,000 or only on the \$5,000 shown on the final settlement?

(A.G.) In my opinion, the words "total receipts and disbursements" used in C. S. 3904 (h) mean the entire \$40,000.

To F. F. Church. (A.G.) When a Clerk of Superior Court issues an original summons directed to the Sheriff of the county in

which one defendant resides and another to the Sheriff of another county in which another defendant resides, the Clerk is entitled to a fee for each.

4. Securing of funds.

To Gurney P. Hood. (A.G.) Fiduciaries may lawfully invest funds of their wards in stock certificates of Federal Savings and Loan Associations. Banks may also invest their funds in such certificates, but the amount that may be so invested is limited by the Banking Act.

5. Court calendar.

To Fred Proffitt. Inquiry: What disposition should be made of civil actions pending in the Superior Court which have apparently been abandoned and do not appear on the Court Calendar?

(A.G.) The civil calendar is under the supervision and control of the trial judge. I am sure if you will present a list of such cases to the judge holding the next civil term of your court, he will see that they are disposed of in the proper manner.

27. Appointment of guardians.

To Lily E. Mitchell. (A.G.) It is necessary that the parents of a child be made parties and served with process when their child is sought to be adopted except where a proper release has been signed; the child has been wilfully abandoned by the parents, and this fact has been found by the court; or where a court of competent jurisdiction has declared the parents unfit to

REGISTERING ALIENS

To Thad Eure. Inquiry: Should aliens who do not have a passport with proper visa admitting them into the U. S. be registered by the Clerk of the Superior Court when they present themselves for registration?

(A.G.) I think they should. The Clerk should get all the information available under C. S. 193 (c). Notation should be made and sent to the Secretary of State of information such aliens are unable to furnish, and the Secretary of State should transmit same to the federal authorities.

have the care and custody of the child, and this fact is set out in the order of adoption.

37. Bolich Act.

To B. D. McCubbins. (A.G.) Under the provisions of the Naturalization Laws of the United States, an alien who marries a citizen, or an alien whose wife or husband is naturalized, does not become a citizen by reason of such marriage. If such person, however, be eligible for citizenship, he or she may be naturalized within filing a declaration of intention. Also, in lieu of the five-year period of residence within the U. S. and one year within the State required of others, he or she need only have resided continuously for at least three years in the U. S. immediately preceding the filing of the petition.

To George W. Fletcher. (A.G.) A violation of our alien registration statute is a continuing offense, and is not barred by the two year statute of limitations.

55. Special terms of court.

To J. Lester Wolfe. (A.G.) We think it is necessary for the Governor to issue a commission to a special or emergency judge whom he assigns to hold one of the additional terms of court provided for your County by Chapter 9, Public Laws of 1939,

but not to a regular judge who holds one of these courts.

70. Entries on judgment docket.

To F. F. Church. (A.G.) Any judgments entered by the Clerk of Superior Court, except judgments of voluntary nonsuit and consent judgments should be entered only on Monday.

79. Decedents' estates—distribution and administration.

To F. F. Church. (A.G.) Where a man dies intestate and leaves a widow and one child, the surplus of the personal estate should be divided in the ratio of one-third to the widow and two-thirds to the child.

80. Decedents' estates—executors' and attorneys' fees.

To C. D. Moore. (A.G.) The commissions of executors and administrators actually allowed and paid are allowed to be deducted in determining the value of an estate for the purpose of inheritance taxation. Commissions are limited to five per cent of the estate, and no more may be deducted even though a larger amount has been allowed the executors by the court.

100. Escheats.

To J. A. Williams. (A.G.) If unclaimed funds have been held in the office of a Clerk of Superior Court for five years, at the expiration thereof they would escheat to the University, regardless of the fact that the Clerk had not been in office for a period of five years next preceding such time.

101. Unclaimed assets in hands of Clerk.

To O. J. Mooneyham. (A.G.) Under C. S. 960 and 5634, all unclaimed jurors and witness fees remaining in the hands of the Clerk on January 1 after the publication of a third annual report of the Clerk showing same shall be turned over to the County Treasurer for the use of the County school fund.

Even if the Clerk's report has not been made, filed, and published, as required by C. S. 956 and 957, the payment of such fees to the Treasurer would not bar the rightful owners from claiming them under C. S. 961 and 5635, and if not so turned over, the school fund would be deprived of the use of these funds, at least temporarily.

C. Sheriffs.

1. Salary and fees.

To Paul R. Roper. (A.G.) Where the salary of a County Sheriff or Register of Deeds is set by the Legislature, it may not be increased by the county commissioners unless the Legislature specifically so authorizes.

D. Register of Deeds.

4. Books and records.

To H. L. Mintz, Jr. (A.G.) The Register of Deeds is only the custodian of the copies of birth and death certificates and, consequently, would have no right to make any changes as to the subject matter contained

FEES OF SHP GO TO COUNTY

To Major J. T. Armstrong. (A.G.) Under our law all fees for arrests or service of process that may be taxed in the bill of costs for the various courts on account of the official acts of members of the State Highway Patrol are required to be remitted to the General Fund in the County in which said cost is taxed. Costs so collected should not be paid to the highway patrolman but should be remitted direct by the clerk of the court who assesses and collects the same.

in such certificates. Any changes would have to be made through the local registrar of vital statistics, in the manner prescribed by our statute, and such copy should be made to appear both on the original certificate on file with the State Registrar and also the copy on file with the Register of Deeds.

5. Probate and registration.

To William I. Cochran. (A.G.) A photostatic copy of an instrument may not be probated as the original. However, where a statute provides for the registration of a certified copy of an instrument, a duly certified photostatic copy may be registered.

6. Duties as clerk to County Board.

To Clarence E. Mitchell. Inquiry: Could a Register of Deeds resign as Clerk to the County Commissioners?

(A.G.) Such office is ex officio, and the Register could not resign the duties imposed upon him by statute, in my opinion. It may be that in some particular cases acts of the Legislature have permitted this, but I am not informed of such.

9. Marriage—licenses and certificates.

To J. C. Knox. (A.G.) Where a prospective mother presents herself to a physician for prenatal care and refuses to submit to a Wasserman test as required by law, the physician should report such refusal to the local health officer or the State Board of Health. There would be no liability on the part of the doctor making the report.

The certificate of the examining doctor under our 1939 Marriage Examination Act must be accompanied by the original report from a laboratory approved by the State Board of Health showing that a Wasserman or other approved test of this type had a negative result.

K. Coroners.

1. Fees.

To J. O. Talley. (A.G.) In the absence of any public-local statute to the contrary, a Board of County Commissioners has no authority to pay a coroner fees in excess of that prescribed in C. S. 3905, which is \$5.00 for each inquest, and if more than one day is required, \$5.00 for each additional day.

L. Local Law Enforcement Officers.

25. Prohibition—wine.

To M. M. Redden. (A.G.) The provisions of the 1939 Revenue Act concerning the sale of wine and beer within a certain distance of churches or schools refers to the buildings themselves and not to the property lines of the property on which they are located.

26. Prohibition—beer.

To C. N. Whitlock. (A.G.) An alien who has not been naturalized under the laws

JURY PANEL COUNTY-WIDE

To L. F. Erwin. (A.G.) Our law sets down the procedure to be followed for drawing a jury panel, and it is not permissible to divide the jury box into compartments corresponding to the various townships in the county with the names of the respective townships labeled on each compartment and the names from each township placed in its respective compartment.

of the United States is not entitled to be issued a license to sell wine and beer.

To G. H. Andrews. (A.G.) Under the general law it is mandatory for the municipal or county governing board to issue a beer license to any person complying with the requirements of Section 511, Chapter 158, Public Laws of 1939.

However, the counties covered by Chapter 405, Public Laws of 1939, may decline to issue the "on premises" license, and may prohibit the sale of wine and beer between midnight Saturday and midnight Sunday.

30. Slot machines.

To B. A. Sigmon. (A.G.) When illegal slot machines have been seized in the manner permitted by statute and the owners pleaded guilty to the unlawful possession of such machines, the officer seizing such machines would have no right to return them to the owners. On the contrary, the machines should be destroyed, and one-half of the money contained therein should go to the officer actually seizing such illegal slot machine, and the remaining one-half should be paid to the County Treasurer for the benefit of the pauper fund.

31. Lotteries.

To B. I. Browne. Inquiry: Is bingo illegal in North Carolina if conducted by private persons or charitable institutions? (A.G.) Yes, it is a violation of the lottery laws, no matter if conducted by a charitable institution.

38. Automobile Drivers' License Act.

To Fred D. Hamrick. (A.G.) The Governor, under his pardoning power, has no authority to restore a driving license to a person whose license has been revoked because of a conviction of drunken driving.

39. Motor vehicle laws.

To S. H. Adams. (A.G.) It is unlawful for any person operating a motor vehicle on the public roads of this State to pass or attempt to pass any public school bus while it is standing on a public road, taking on or putting off school children, without first bringing such vehicle to a full stop at a distance of not less than 50 feet from said school bus.

The Supreme Court has construed this statute to apply both to passing or attempting to pass a school bus from the rear and from the front.

54. Fingerprint records.

To N. C. West. (A.G.) Every chief of police and sheriff in the State is required to take or cause to be taken the fingerprints of every person convicted of a felony and forward them immediately by mail to the Bureau of Identification. Officers are also required by law to take the fingerprints of any other person when arrested for a crime, when it is deemed advisable by any chief of police or sheriff, and forward them for record to the Bureau.

55. Police—residence and qualifications.

To J. F. Cabe. (A.G.) A member of a police force may reside outside the town limits unless he be the chief of police.

60. Powers of an officer.

To F. M. Carter. Inquiry: In the absence of a local statute, does the jurisdiction of a city policeman extend one mile beyond the corporate limits?

(A.G.) No, C. S. 2790 extends the police power only for sanitary purposes or for protection of city property by ordinances, rules or regulations to one mile outside the city limits.

68. Guns and firearms.

H. F. Longino. (A.G.) The laws regulating the registration and licensing of firearms will be found in C. S. 5106 to 5112 (a).

92. Search warrants.

To E. O. Smith. Inquiry: May an officer search a motor vehicle, suspected of transported whisky either tax-paid or non tax-paid, without a search warrant?

(A.G.) We think an officer should secure a search warrant unless he discovers the person in the act, that is, he actually sees the whisky, or unless he has absolute personal knowledge that whisky is being transported in the vehicle in violation of the law. See C. S. 3411 (f), State v. Godette, 188 N. C. 497, and State v. De Herrodora, 192 N. C. 749.

99. Fees.

To Dr. J. E. Hodges. (A.G.) Where a town has no jail and it is necessary for officers to transport prisoners arrested by them to a jail in another town, such officers would probably be entitled to a mileage fee for transporting such prisoners.

M. Health and Welfare Officers.

1. County Welfare Board.

To J. R. Garland. (A.G.) The Board of County Commissioners does not have the authority to discharge a Welfare Board member. The power of removal is not to be implied from the power of appointment where the tenure of office is definitely fixed by statute, unless, of course, that power is granted by statute.

O. Juvenile Court Officials.

1. Jurisdiction.

To Mrs. Elsa Ernst. (A.G.) Where a Juvenile Court commits a child below 16 years of age to a State institution and the child is subsequently paroled, it is doubtful if the Juvenile Court could change the commitment to another institution when the parole is violated after the child becomes 16 years old.

S. Mayors and Aldermen.

1. Qualifications and residence.

To C. P. Hinshaw. (A.G.) Temporary residence beyond the city limits, with an intention to return at a definite date to continue his residence in the city, would not disqualify a member of the Board of Aldermen from holding office.

8. Costs and fees in Mayor's Court.

To J. T. Gresham, Jr. Inquiry: May a Mayor's Court include in the bill of costs against a convicted defendant telephone calls and mileage to another town incurred in the service of a capias?

(A.G.) We are unable to find any provision allowing such items, and statutes on costs are strictly construed.

26. Trading with member of board.

To Norman Winters. (A.G.) C. S. 4388 prohibits a commissioner of a public trust from contracting for his own benefit.

T. Justices of the Peace.

8. Removal of cases.

To Henry N. Brown. (A.G.) No bond is required from the defendant in a civil case before a Justice of the Peace when an appeal is taken unless he desires the execution of the judgment of the justice to be stated, in which case the defendant can give bond as provided by statute.

10. Jurisdiction.

To R. B. Slaughter. (A.G.) A Justice of the Peace, residing within the corporate limits of a town, would have the right to issue a warrant charging a defendant residing without the corporate limits with the violation of a town ordinance.

Y. Game Wardens.

5. Powers and duties.

To R. B. Lane. (A.G.) A person who hunts with or without a gun should purchase a hunting license. It would make no difference whether a person hunted with other hunters and used their dogs or used his own.

Z. Constables.

10. Jurisdiction and power.

To J. K. Nicholson. (A.G.) The powers and duties of Constables are coextensive with the limits of the county within which they are elected or appointed. Their powers and duties are not restricted by law or the Constitution to the townships in which they are elected or appointed.

IX. Double Office Holding.

9. School committeeman.

To A. F. Fleming. Inquiry: May a man hold the offices of school committeeman and mayor at the same time? (A.G.) No, as both are offices within the meaning of the constitutional prohibition.

11. Employee of State department.

To W. A. Lucas. (A.G.) Superintendent of a prison camp is not an office within the constitutional prohibition against double office holding.

19. County Board of Health.

To E. F. Taylor. Inquiry: Are membership on the County Board of Health and on the board of trustees of a county school both public offices under Article XIV, Section 7, of the Constitution? (A.G.) Yes.

20. Clerk and deputy clerk of court.

To W. G. Pittman. (A.G.) The office of deputy clerk of Superior Court and that of Chairman of the County Board of Elections are both offices within the meaning of Article XIV, Section 7, of the Constitution, and one person can not hold both offices at the same time.

125. Penalties.

To Edward F. Taylor. Inquiry: Where a person holds one public office and accepts a second, does he automatically vacate the first under Article XIV, Section 7, of the State Constitution?

(A.G.) Yes. See Barnhill v. Thompson, 122 N. C. 493; Midyett v. Gray, 159 N. C. 443; Whitehead v. Pittman, 165 N. C. 89; In Re: Burns, 212 N. C. 735.

X. Primaries and Elections.

20. Powers and duties of election officials.

To J. M. Daniel. (A.G.) Election officials named to hold the first primary continue in the second.

50. Compensation.

To J. M. Daniel, Jr. Inquiry: Should judges and registrars of elections receive pay for one or two days for holding an election, and should the registrars receive compensation for mileage?

(A.G.) The State Board of Elections has ruled that it is within the discretion of the County Commissioners whether to pay for one day or two; also, that the registrars are entitled to mileage on the day they bring in the returns but not for the day of holding the primary or election.

C. Matters affecting candidates.

8. Filing fees.

To T. A. Burns. (A.G.) The County Board of Elections should pay the filing fees, deposited by candidates in the primary election, to the County Treasurer, in order that said funds might be used to offset in part the expense of holding the primary election.

XI. General and Special Elections.

1. Petition.

To I. M. Richardson. Inquiry: What is the meaning of "qualified voters" in C. S. 2847, which requires 25 per cent of such at the last election to sign a petition to hold an election to change the plan of municipal government?

(A.G.) This means 25 per cent of those registered for the last city election, and not 25 per cent of those who actually voted.

More Electrical Equipment for the Farmer

As electric service has been extended to more and more customers a constantly increasing number of appliances and implements have been developed for the use of this service to the convenience, the comfort, the health and the profit of those who have such service available.

One of the most interesting phases of the power industry recently has been the development of equipment for the particular use of the increasing thousands of farmer customers to whom electric service is being made available.

Dairymen are turning by the wholesale not only to automatic water systems and refrigeration equipment, but to automatic electric sterilizers and water heaters. Commercial poultrymen have long been using electric lights, but now increasingly they are using electric brooders, electric water warmers in winter, and other electric equipment.

Dairymen, poultrymen and other livestock operators can now secure feed grinding equipment that will do an entirely satisfactory job for from \$111.70 to \$260.00, depending upon size of mill and of motor. These mills grind from a few hundred to 1800 pounds of grain per hour,

depending upon the fineness or coarseness of the screen. And they grind ear corn and roughage as well as the cereal grains and shelled corn.

Electrically operated corn shellers are also on the market now, with which a small electric motor will do the work in an hour that would require hours to do with hand operated shellers.

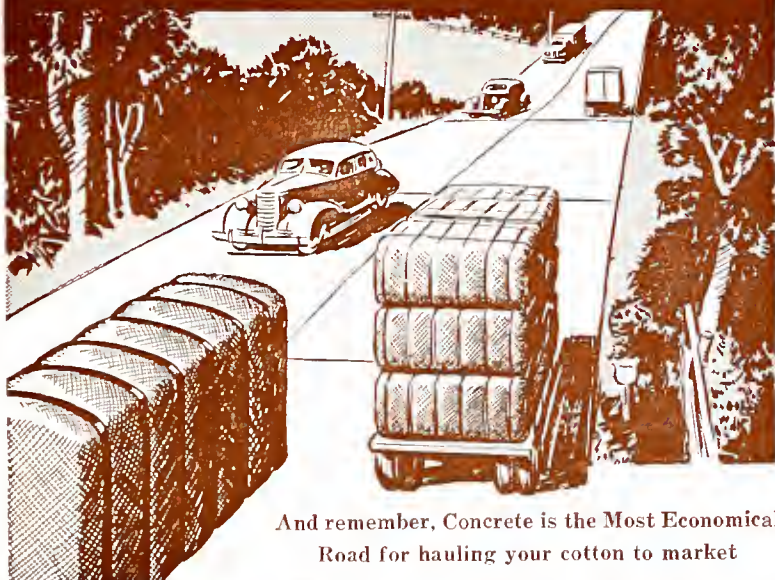
Electric service promises to do for the agricultural community about the same sort of miraculous job that it has already done for the industrial community.

Not only the great textile plants and the newer but almost equally important hosiery mills with their thousands and thousands of workers, but the roller mill, the little grist mill, the garment plant, the machine shop, the food processing plant, textile specialty plants of various types and almost countless other varieties of small industrial establishments employing from two and three to a hundred or so people have come along to use this power and to furnish employment and create wealth for the community through its use and through the utilization of the other resources of this section.

DUKE POWER COMPANY

GENERAL OFFICE—CHARLOTTE, N. C.

COTTON plays an important part in building CONCRETE ROADS



And remember, Concrete is the Most Economical Road for hauling your cotton to market

ABOUT ten million pounds of cotton is used annually by the cement industry for sacking cement. Heavy cotton mats are used now for "curing" freshly placed concrete, protecting it from the summer sun while hardening. 1,200,000 sq. yds. of these heavy mats have been used in the last few years.

Concrete road construction offers a vast market for your cotton and besides concrete is the real low cost road, superior in durability, safety and economy.

PORTLAND CEMENT ASSOCIATION

Dept. S9-10, 1210 State Bank Bldg.
Richmond, Va.



ABOVE: Graduating class at one of recent POLICE SCHOOLS conducted by Institute of Government. Governor Hoey (front row) presented certificates, and FBI granted Ed Scheidt (to Governor's left) leave of absence to help conduct training.

The Best Police Training in the Country

--- Now Available to All Your Officers At
Cost of \$1 Per Day for Living Expenses

We are pleased to announce the inauguration of a series of

**7-DAY POLICE SCHOOLS
ONCE EACH MONTH**

BEGINNING OCTOBER, 1940

These will be open to member city, county, state, and federal law enforcing agencies in North Carolina.

Each department is invited to divide up its force and send a part of its men each month.

The instruction will cover the broad field of police work, in theory and practice, and will include lectures, demonstrations, and actual practice. The staff will include leading instructors of the FBI and National Police Academy as well as State and local leaders.

The Institute of Government club-rooms will be open to officers, and good board may be had at \$1 a day. Total cost per man should not exceed \$10.

Endorsed by the North Carolina Police and Sheriffs' Associations

SEE PROGRAM WITHIN AND WRITE TODAY FOR RESERVATIONS

INSTITUTE OF GOVERNMENT

Chapel Hill, N. C.