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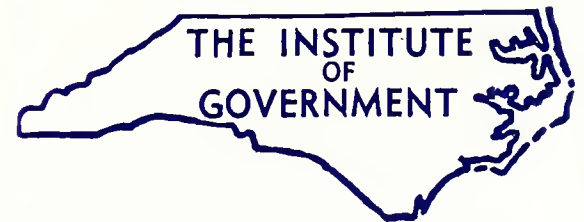
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# POPULAR GOVERNMENT

# POPULAR GOVERNMENT

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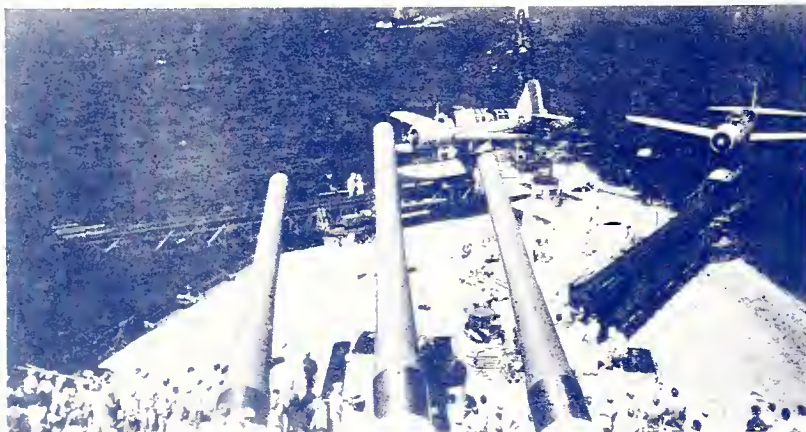
FEBRUARY  
1942

## U. S. S. North Carolina

"We give you a name and a tradition. We will carry on at the home front while you man your ship at sea." Governor Broughton at the commissioning of the North Carolina April 9, 1941.



—All pictures courtesy U. S. Navy.

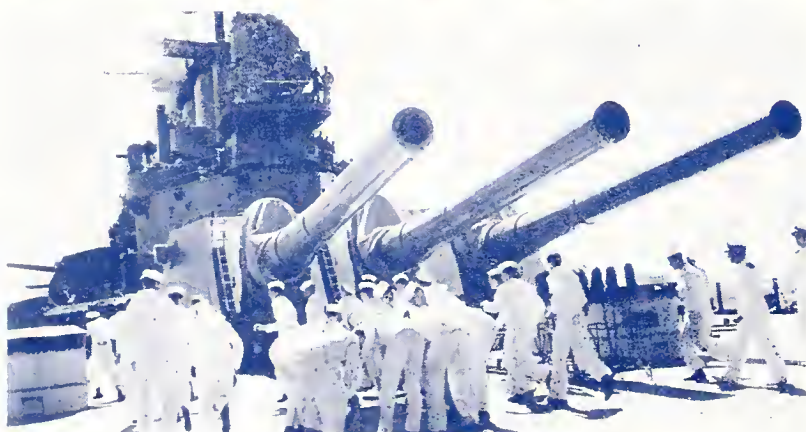


The U. S. S. North Carolina, four views of which are shown on this page in addition to the action scene on the cover, is the fourth American combat ship to bear the name of the North State. The first was a 2,633 ton ship of the line mounting 74 guns, launched in September, 1820, at Philadelphia. The second North Carolina was a 14,500 ton armed cruiser, launched at Newport News in 1906 and scrapped in 1930. It was used for transport duty in World War I.

The third North Carolina was one of seven battleships under construction at the time the London Naval Treaty was signed, and was scrapped before completion.

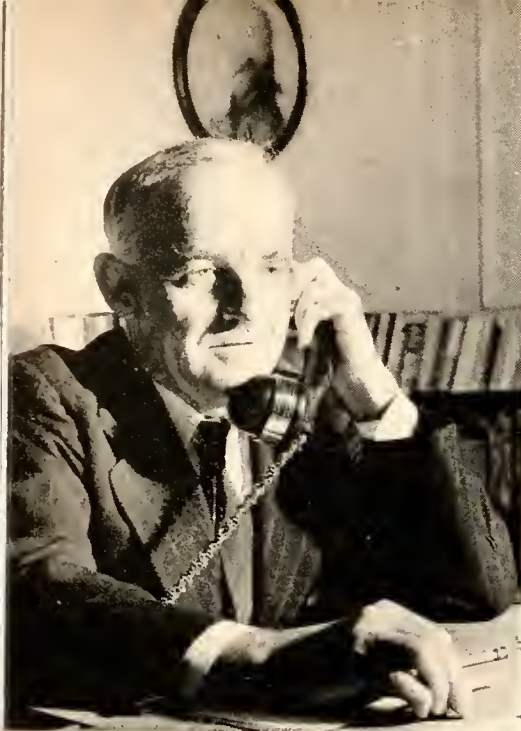
First U. S. battleship to be commissioned since 1923, the new North Carolina cost \$70,000,000, displaces 35,000 tons and is 704 feet long at the water line.

Prior to the launching of the new battleship, North Carolina was the only one of the original 13 states never having had a capital ship in actual commission bearing its name.





# Institute of Government Joins Forces with UNC



The Institute of Government has become an integral unit in the structure of the Greater University of North Carolina.

This integration of University and Institute resources has long been envisioned by University and Institute officials and the general principle approved by their respective governing boards. It was formally announced by the Governor of North Carolina following a meeting of the Executive Committee of the University Board of Trustees in the Governor's office in Raleigh on Tuesday, January 20, 1942.

The four corners of this page picture the men who cleared the way for the fusion of the University and Institute forces: Frank P. Graham, president of the Greater University of North Carolina; J. Melville Broughton, Governor of North Carolina; W. D. Carmichael, Comptroller of the Greater University; R. B. House, Dean of Administration of the University of North Carolina at Chapel Hill where the Institute of Government originated.

This fusion of forces marks a milestone in the life of the Institute of Government: beginning as a dream in the head of a University Law School teacher, promoted

as a private venture growing out of a classroom, backed first by a handful of private citizens, backed later by cities, counties, state departments and federal agencies, it has now won the active backing and support of the University of North Carolina, found its place as an integral unit in the University structure, is already drawing fresh strength and vigor from its new associations—associations

which will gather the growing resources of classrooms, libraries, laboratories, teaching and research personnel of the Greater University, and bring them to the aid of officials in every city hall, county courthouse, state department and federal agency in North Carolina.

It also marks a milestone in the life of the University of North Carolina: From the beginning, staff members of the Institute of Government have gone to school as apprentices to officials in city halls, county courthouses and state departments, and have learned more about the practical operations of government from these men than they had learned from their high school, college, and professional school classrooms.

Over and over again officials who never saw inside of college walls have proved with all the stinging freshness of demonstrated truth that college professors have as much to learn from them as they have to learn from college professors. Their instruction has doubled the value to Law School students of the Law School courses taught by the Institute Director, doubled the effectiveness of every Institute staff member, and spelled the difference between success and failure for the Institute of Government.

Classrooms, libraries, teaching and research personnel of the Greater University will draw new knowledge, new insight and new inspiration from their associations with these officials, as the Institute of Government links the University of North Carolina in a working partnership with city hall, county courthouse, state department and federal agency in professional training for the public service.





# Institute Organization, Program, Financing

## Effect on Institute Organization

The governing board of the Institute of Government has passed through three stages. In the beginning it included the accredited leaders of all groups of officials joining together in building the Institute. In later years it included three mayors representing the governing bodies of cities and towns; three commissioners representing governing bodies of counties; the Governor and two other State officials, representing the State.

These nine representatives, with five representatives from the University at Chapel Hill, State College at Raleigh, and Woman's College at Greensboro, and Justice W. A. Devin who has served as chairman of the Institute Executive Committee since its organization, will make up the fifteen member administrative board of the Institute of Government under the President and Trustees of the Greater University of North Carolina.

This governing board will work with the accredited leaders of all specific groups of officials in outlining the program of each group and integrating the programs of all groups into a great cooperative governmental program, a great university of governmental officials for North Carolina.

This plan of incorporation thus preserves the essential factors of name, personality, organization, and governing board as the Institute of Government becomes part and parcel of the structure of the University of North Carolina.

## Effect on Institute Program

*From the beginning the Institute has sought to coordinate the efforts and activities of city, county, state and federal officials who had been working for a hundred and fifty years on the same problems, for the same people, in the same territory, in overlapping governmental units without coming together in systematic and continued cooperative effort,—in the effort to eliminate needless duplication, friction and strife.*

*It has sought to bridge the gap between outgoing and incoming public*

officials at the end of their two or four year terms by organizing and transmitting our steadily accumulating governmental experience to successive generations of public officials,—in the effort to cut down the lost time, lost motion and lost money involved in a rotating governmental personnel.

*It has sought to collect and correlate for each group of public officials the laws governing their powers and duties now scattered through a multiplicity of books to the point of practical inaccessibility: in constitutional provisions, legislative enactments (including public, public-local, and private laws), municipal ordinances and court decisions,—in the effort to make them conveniently available for practical use.*

*It has sought to collect and compare the different methods of doing similar things arising out of the initiative and resourcefulness of officials in a hundred county court-houses, three hundred city halls, and scores of state departments and federal agencies,—in the effort to raise the standards of governmental performance by lifting the poorest practices to the level of the best.*

In short, it has started and continued comparative studies of the structure and workings of our governmental institutions, set forth the results of these studies in guide-books, taught them in training schools, demonstrated them in laboratories, transmitted them to officials through a clearing house of information.

These aims, objectives, and procedures set forth in 1931, developing through the years of the ensuing decade, and further pointed by the compelling demands of national defense, will go with the Institute of Government as it becomes part and parcel of the structure of the University of North Carolina.

## Effects on Institute Financing

The financing of the Institute of Government has passed through three stages. In the beginning it was financed out of the pocket of the Law School teacher who became its Director. When the program showed it

was worth a trial a few citizens of North Carolina financed the expansion of its services for a five year period of trial and error. Before this period was over cities and counties throughout the state had found its services worth enough to be financed in part through their budgets.

The plan of incorporation preserves the factors of financial support from private sources, from cities and towns, from counties and supplements those sources with state and federal aid, immeasurably increasing the volume and value of service to cities, counties and the state as the Institute of Government becomes part and parcel of the framework of the University of North Carolina.

## Governor Backs Law Enforcing Officers

According to the records, one protest was filed with the Governor against a State Highway Patrolman who arrested a driver from another state for driving around 60 miles per hour in the 35-mile-limit maneuver area.

Governor Broughton's answer after careful investigation:

"As set forth in the report of Major Armstrong, you were in the maneuver area at the time of the incident referred to by you. The State Highway patrolman was acting in cooperation with the military police of the United States Army. In this area there are over 300,000 men in training for the defense of this country. By reason of these circumstances extraordinary precautions have to be made. I would think you would respect the wishes of those who seek to have the highways carefully patrolled during these important maneuvers. Undoubtedly the soldiers and civilians involved in this important undertaking are entitled to protection, and we propose to cooperate with them to the fullest extent. I do not know what your attitude is with respect to national defense, but from your letter it would not appear to be very loyal or cooperative. If that is your attitude, it would be a matter of indifference to us whether you care to travel our highways or not."



## Program of Action

"We will carry on at the home front while you man your ship at sea," said Governor J. Melville Broughton to officers and seamen at the launching of the U. S. S. North Carolina in 1941. To the last jot and tittle North Carolinians will keep this pledge in 1942 and the years that follow. The Institute of Government is already working with other North Carolina institutions, and Institute staff members are working with their fellow North Carolinians to this end in a program of information and training designed to reach thousands of public officials and private citizens in the cities, counties and state of North Carolina in the coming months.

Wednesday, January 28, Chapel Hill  
Institute of Government Building

**Public Water Supplies in War Time** is the topic of a conference, arranged by Dr. Herman Baity, Professor of Sanitary Engineering in the School of Public Health of the University of North Carolina in co-operation with the State Board of Health, which will bring mayors,



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

city managers, public water works officials and others to the Institute of Government Building in Chapel Hill on Wednesday, January 28, for a day of instruction, beginning with registration at 9-10 A.M., from federal, state and local leaders.

Monday, February 2, through Saturday, February 7, Chapel Hill  
Institute of Government Building

**Wartime and Emergency Duties of Police** furnishes the theme of a six-day program of intensive F.B.I. instruction which will bring police,

(Continued on page 11)



Walter Anderson of Winston-Salem, who worked his way up the ranks of the police force there from patrolman to chief, who was among the first to attend the Institute of Government and F. B. I. training schools, and who has been made chairman of the Institute of Government police training program in North Carolina, is the first of many outstanding law enforcement officers who will join the part-time instruction staff of the Institute of Government as the training program gets under way. Designed for peacetime instruction and now adapted to wartime needs, this program will be carried through district training schools within reach of thousands of law enforcing officers in North Carolina during the coming months.

Walter Anderson is a native of Davie County, a graduate of the Mocksville High School, and has attended Rutherford College. After leaving college he worked on the farm, in a flour mill, cotton mill, furniture factory, and as a school teacher. He joined the Winston-Salem Police Department as a patrolman in

(Continued on page 8)



Shown above are the officials who will direct the Law Enforcement Officers' Training Programs of the Institute of Government during the coming months: Numa Turner of Wake County, representing county sheriffs; Director Fred C. Handy, representing the State Bureau of Investigation; Chief Walter Anderson of Winston-Salem, representing city police; Major John Armstrong, representing the State Highway Patrol; and Albert Coates, representing the Institute of Government. Ed Scheidt, representing the F.B.I., was unable to be present for the conference.



# N.H.G. Balfour: President of Commissioners



*N. H. G. Balfour, president of the State Association of County Commissioners and chairman of the Hoke County Commissioners, seated at the head of the table with John A. McGoogan, Hoke County Auditor, seated to the left, and with the four members of the Hoke County Board, A. K. Stevens, E. R. Rickler, Hector McNeill and W. L. Gibson seated to the right.*

"The Department of Agriculture shall be authorized, in the interest of desirable immigration, to employ an agent or agents at such points in this or any foreign country as it may deem expedient or desirable. Such agent or agents are herein empowered to make such arrangements with steamship companies and immigration agencies in this country and abroad as may best serve the interests of our people in bringing desirable immigration to the state."

The General Assembly of 1907 which enacted this law naturally expected that it would bring to North Carolina a supply of farm laborers from the British Isles; what they could not have expected was that one of these immigrants, of a noted Scottish family, would come to own his farm, seriously take up the responsibilities of citizenship in his community, come to be Chairman of the Board of Commissioners in his county, and finally become President of the North Carolina Association of County Commissioners.

## New Zealand, England, America

N. H. G. Balfour was born in 1890 in Westport, New Zealand. When he was five years old his family went to England, where they spent two years in London and in 1897 moved to the industrial city of Newcastle-on-Tyne. There young Balfour attended Rutherford College for two years, meanwhile trying to feel his

way into a trade or a profession or to find some opening into which he could fit. But the English business and industrial structure was tightly closed. There were no places and no jobs.

It was with a knowledge of this national background that the General Assembly had enacted the 1907 immigration law, and it was into this family background that the representative of the North Carolina Department of Agriculture came to induce Anglo-Saxon immigrants to come to eastern North Carolina to engage in truck farming. Young Balfour's father advised him to come to America and his great-uncle Edmund Bayley, who had spent twenty years in Pennsylvania, added the weight of his encouragement. So, with fifty to a hundred other immigrants, Balfour sailed from Glasgow on September 22, 1907 and landed in Boston on October 4.

He was sent from Raleigh to W. S. Cobb, a Hoke County truck farmer, where he worked for two years; the next seven years he worked for the Malloy Brothers. In 1916 he decided, in his own words, to prospect for a while. He went out to the middle west, worked near Madison, Wisconsin, and took two three-month winter courses in agriculture at the University of Wisconsin there. It was then that he made his final decision, that he liked North Carolina and that he wanted to live here.

## Europe and the War

Before he could reestablish himself in North Carolina, America's entry into World War I interfered with the shaping of his plans. He volunteered in February, 1918, was sent to France after three months of training, and served in the Ordnance Department through six major offensives, including Chateau-Thierry and Belleau Wood. He was gassed and hospitalized, but was back in service in the Argonne Forest when the Armistice was signed.

Before returning to America Balfour visited his family in Edinburgh, their original home. For generations members of his family have served Scotland and England with distinction: his paternal grandfather, John H. Balfour, was Professor of Botany in the University of Edinburgh, Queen's Botanist to Scotland, and regional keeper of the Scottish Botanical Gardens. His uncle, Sir Isaac Bayley Balfour, followed his grandfather in scientific research and was knighted for experimental work in dyes during the war. His maternal grandfather, Colonel Robert Wyllie, served in the Indian Army, and the present Lord Balfour is his third cousin.

## Back to North Carolina

On his arrival in North Carolina in October 1919, Balfour bought the farm near Lumber Bridge, in Hoke County, which he still owns, and it was at this time that he began to make his mark upon the land which he had chosen to call his own. His influence began to be felt in county affairs; he was elected to the Board of Commissioners in 1927 and has served continuously except for one two-year period; he is now in his seventh term and is Chairman of the Board. Last year he was Vice President, this year he is President of the Association of County Commissioners.

The turns which his life has taken, emigrating twice, trying to find a place for himself, fighting through a war on foreign soil, would have disillusioned another man. They only served to steel Balfour's determination to serve at his best in the democracy which had given him his opportunity.



# Priorities Link War Front with Home Front

## Automobile and Tire Shortages Are Forerunners of Worse to Come.

Two months of war has brought the United States to the point which, it was estimated in November, might otherwise have been reached sometime in 1943. Since the shock of the attack on Pearl Harbor, the average citizen has momentarily expected to hear of some miraculous feat of arms or successes by our armed forces which would reverse the tide in the Far East and release us from the spectre of a long war with all its hardships.

Now the steady advances of the Japanese down the Malayan Peninsula and ever increasing footholds in Burma and the Netherland Indies coupled with the boom of torpedoes and almost daily sinking of ships off our eastern coast begin to bring home the grim realities of the situation.

The average man has been fully warned; he has not yet heard the thunder of gunfire; he knows that our troops are making an heroic stand on a rugged peninsula in the Philippines, but he has not yet seen the trenches here in North Carolina.

### Shortages Not Yet Felt Severely

For months now we have been warned of drastic shortages of critical materials. Fortunately we have had so many of the good things of life that stocks in the hands of retailers and wholesalers have until now kept us from feeling the pinch; unfortunately we have been lulled by this temporary security and have not yet begun to put forth our maximum and collective effort.

Rationing of tires and tubes and complete stoppage of automobile production for civilian use is a sample of what is in store for all of us. We are still riding but most have slowed down their speed to conserve rubber and are eliminating all but the most essential trips.

Conservation is the watchword now; conservation and careful use of what we now have and planning for substitutes when it is exhausted. Along with this goes the reclaiming of materials to pour them back into the war machine. Tin cans, old

By  
**G. MAURICE HILL**  
Associate  
Director  
Institute of  
Government



metal of all kinds, newspapers and magazines, rags and old clothes, anything and everything that is not in use, should be collected and turned in at once.

A rural North Carolina county took a brief moment in the spotlight a few days ago when Paul Douglas, announcer of the Fred Waring program, told the story of how farmers of Hoke County had collected 300,000 pounds of scrap metal on their farms, sold it to junk dealers for use in making war materials, and given the entire proceeds to the Red Cross.

The attics, basements and back yards of America are overflowing with forgotten items which could mean the difference between full speed ahead and delay for production from plants not yet completed.

### Nelson in Full Command

The recent action by President Roosevelt placing Donald M. Nelson in full command of all production had long been awaited as a step that had to come. It had been freely predicted that the groaning machinery of the Office of Production Management as formerly organized would bog down under the strain of an all out war effort.

No one questions the ability of some of the men involved. They simply did not have the authority to do what they knew had to be done and worse—what authority they did have was lost in the mesh of conflicting and overlapping agencies all working on the same problem. Truly here was a case of too many cooks spoiling the broth.

Nelson is a hardheaded, two-fisted individual, a man of practical experience, a middle-of-the-roader who enjoys the confidence and respect of

## No Changes in Priorities Procedures for Cities and Counties—Yet.

all factions. The comparative order which he quickly brought out of the situation he found last fall when taking over the Division of Priorities is an indication of what to expect on all fronts as he takes full charge.

Don't be mistaken, however—he has not been put there to give you all you need; but rather to see that you don't get it if in any way it will affect the war effort.

### No Changes Yet for Local Governments

No changes in priorities or procedures for local governmental units have as yet been announced. Preference Order P-100 for general use and P-46 for public utilities are still in effect, and the Governmental Requirements Branch under the direction of Maury Maverick continues to function as before, although it has been announced that the Office of Production Management has been replaced by the War Production Board.

It is not likely that immediate changes will be made in the above procedures, but it is already evident that the A-10 Rating given by these orders is not sufficient to secure delivery of many items on the critical list.

In other words we are now at the point where there is not nearly enough of some materials to supply all the orders which are given priority ratings. Until recently it was possible to submit a special request (PD-1) and get a special rating for extremely urgent needs.

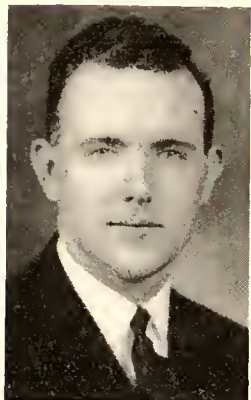
Mr. C. E. Beatty, Purchasing Agent for the City of Charlotte, points out, however, that it is now almost impossible to get such a rating even in matters affecting the public health. He has been trying desperately for some time to secure materials necessary to repair the city incinerator but at this time has not been successful.

All of this brings us back again to the statement previously made—the necessity for conservation and substitution. Guard your present

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# New Bern Expands in Growing War Effort



By  
**WILLIAM C. BARFIELD**  
Staff Member  
Institute of  
Government

A few months ago everybody in New Bern knew everybody else, but today there are so many strangers that the town is assuming a metropolitan air.

When in the fall of 1940 Craven County and the City of New Bern jointly purchased the site of the Simmons-Knott airport for \$12,000 as the sponsor's contribution on a W.P.A. project of \$175,000, few could have foreseen that the summer of 1941 would find 500 marines and more than 75 airplanes stationed there for training purposes. Recently the city and county purchased additional airport property and leased the field to the government for the duration, and preparations are being made to pave the runways at a cost of \$180,000.

Congress has appropriated \$40,000,000 for Marine bases in this vicinity. At Jacksonville the permanent Marine barracks are being constructed at an estimated cost of \$25,000,000; at Cherry Point, down the Neuse river from New Bern, a Marine Air Base is being built for which \$15,000,000 or more will be required.

This influx of people and dollars has caused housing shortages and rent increases; it has intensified the demand for labor and material as old industries expand and new ones spring up; and it has stepped up the demand for public utility service, for police and fire protection, and for increased health, sanitation and recreational facilities.

## Housing Real Immediate Problem

The ever-expanding population has caused a general increase in

rents, and nearly 200 new houses are in prospect, while attics have been decorated and suites of rooms in private homes have been converted into apartments. Home owners who never dreamed of having their privacy violated are renting rooms in their houses.

The gas, water, electric, and telephone service companies say that the rate of rent turnover among newcomers to New Bern is very high. Their records show that some of these people have moved as many as five times during the past year. Sales from the municipally owned water and light plant are unprecedented: the light plant, with a normal capacity of 2500 KW is supplying sustained peak loads of 3100 KW. Operating the plant under such conditions is increasing the unit cost of production and is also endangering its future efficiency. The telephone company cannot give private lines to new subscribers, and the personnel at the local telephone exchange has been more than doubled within the past year.

## New and Rejuvenated Industries

Everywhere there is evidence of intense activity. The Rowland Lumber Company, one of the largest sawmills on the Atlantic seaboard, was partially closed for more than two years for want of a market for its product. Today this company and foundry, machine and repair shops are running on a twenty-four hour basis. One general repair garage has been forced to specialize in fender and body work, and one of its mechanics, who six months ago was earning \$18.00 per week, is now earning \$37.50 per week. The Seashore Transportation Company, which a year ago was operating eighteen busses between Williamston and Wilmington and between Atlantic and Rocky Mount, today is operating eighty busses over these same routes and others for which franchises have been secured.

This increasing tempo of business activity has not been without its annoyances.

It has been a long time since the people of New Bern complained about how long they had to wait at

a crossing for a train to pass. That time has returned with the long trainloads of defense materials that the Atlantic and East Carolina Railway Company, the Norfolk and Southern, and the Atlantic Coast Line are pulling through the city. Two weeks ago a fire truck answering a call was delayed ten minutes while waiting for a long train to pass. Now railroad officials warn the firemen when a long train is approaching and a truck is driven to the opposite side of the track to stand ready for any emergency.

## Police Personnel Increased

Since 1899 the New Bern police force has consisted of a chief, elected by the people, and eight patrolmen. Two years ago a motorcycle patrolman was added. Within the past six months four extra patrolmen have been added to ease the congested traffic situation and to curb minor violations of the law. The two hour parking law has been revived in the business district.

The Police Department budget for 1941-42 has been increased from \$21,000 to \$30,000 to take care of the added personnel and new equipment. One patrol car has been added and a city-county owned two-way police radio system is under consideration. Arrests a year ago were at the rate of about ten a week; now they are at the rate of about twenty-five a week. That increase is in direct proportion to Craven County Liquor sales, which have more than doubled for the month of December.

The employment office has been swamped and the relief rolls have dwindled to the point that few who are able to work are left to be cared for. A modernized Health Department office has been obtained as a result of the position of the city in the center of the coastal defense area. The additional cost of this office to the city and county is only \$25.00 per month to each. To assist newcomers to locate rooms, apartments, or houses for rent the city has sponsored a W.P.A. project for a Homes Registration Office at City Hall since June, 1941.

The work of New Bern's Street  
(Continued on page 11)



# Sherwood Brockwell: Firefighter and Philosopher

Sherwood Brockwell's fire-fighting experience began in 1896 when as a boy he would help hitch the mules to the Raleigh steam fire engine, light the fire box when they were under way, and forage coal to feed it when they had arrived at the scene of the fire. He is still a firefighter, his life is built around firefighting now as it was in imagination then, but his activities have spread out to cover all of North Carolina and his influence is felt throughout the nation.

In 1897 he heard an address by James D. McNeill to the Firemen of Raleigh which sealed his determination to become a fireman. In 1902 the Rescue Steam Fire Engine Company gave up and made him a special member; the next year they made him a regular member and a member of the North Carolina Firemen's Association. With this company he participated in tournaments held by the association and helped set several records which have never yet been broken, and, since they were made with horse-drawn equipment, probably never will be. The genius for organization and leadership which is his special gift came out in these tournaments and his promotion was rapid. In 1908 he was made Foreman of his company, the next year Assistant Chief and three years later Chief of the Raleigh Fire Department.

## Raleigh Fire Chief

The three years from 1912 to 1914 marked the significant turning point of his career. Directly he was elected Fire Chief of Raleigh he entered the New York City Fire Department for a period of training in advanced fire-fighting methods, for observation of a highly organized and efficient system in action, and incidentally for his first taste of the dazzling, momentary glory that comes to a fireman when he makes a spectacular rescue. Later in the year, to familiarize himself with automobile equipment which he foresaw would rapidly become universal, he worked in the factory which was building the first motor apparatus to be used in Raleigh. He returned with the equipment to Raleigh to organize and train a paid department, the youngest paid Fire Chief in the United States.

At the beginning of 1913 immediately following the organization of the Raleigh Fire Department he was promoting fire drills in the Raleigh schools, an idea new to the state, and within two months saw his campaign vindicated as 219 children drilled quietly from the second floor of a frame building, burning and filled with smoke, without a single injury.

## State Fire Marshal

The next year saw his program for a better organized and better trained Raleigh Fire Department and for safety in schools taken up by the state. An address on "Fire Prevention as an Integral Part of the Fire Service" which he made to the North Carolina Mayors' Association, and its endorsement by mayors and other officials present, so impressed Colonel James D. Young, State Insurance Commissioner, that he decided to put it into practice at once, had the young Fire Chief appointed Deputy Insurance Commissioner and State Fire Marshal, the position he has held ever since, and detailed him to fire department personnel training.

On August 1, 1914, the day of his appointment as State Fire Marshal, he announced a statewide personnel training program, and within two months local departments were enrolling in the course he set up. Fire journals and the profession acknowledge the nationwide priority of

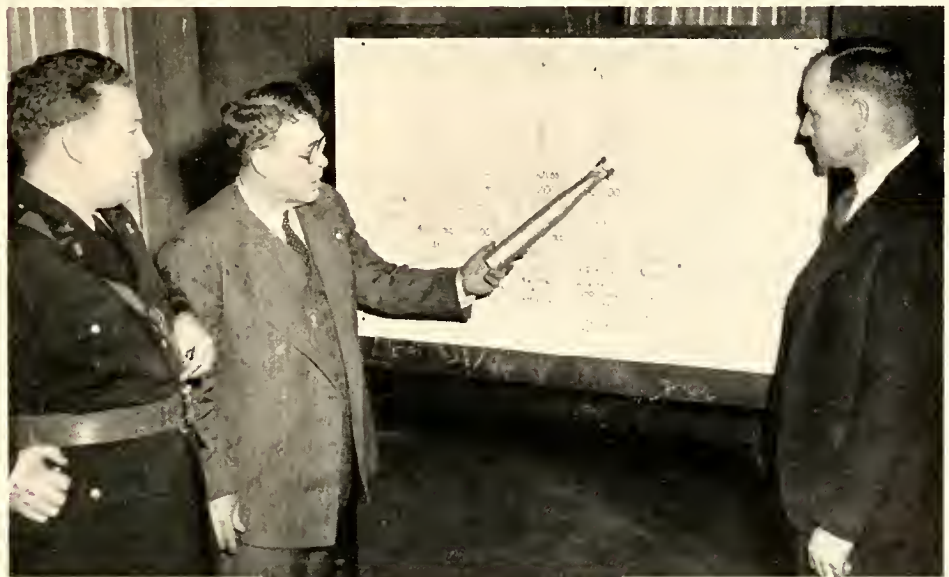
North Carolina in state operated training for firemen, if the fact that six other states have called on North Carolina's Fire Marshal to inaugurate similar programs were not already sufficient proof.

## Organization and Training

The next year an address to the Federation of Woman's Clubs on "Woman's Part in Fire Prevention" resulted in the formation of a North Carolina Women's Bureau of Fire Prevention. Their program was carried to the nation as a million copies of the address were distributed in pamphlet form and Women's Bureaus sprang up in Oklahoma, Massachusetts, and other states.

He pushed his training program and his campaign for safer school buildings and school fire drills together, and in 1919 his program for the schools was drafted into law by the General Assembly. In 1927, as a culmination of ten years of effort, a statewide simultaneous fire-drill of 750,000 school children and teachers, the largest ever held, was conducted under his direction. In 1929 his training program came to its logical culmination with the first of the State-wide Fire Colleges and Drill Schools at Asheville.

During all this time he was plugging at his task from another approach, the elimination of fire-hazards in public buildings. The schools



Sherwood Brockwell (center) explains to his son (left), Captain Kenton H. Brockwell, Post Fire Marshal at Fort Bragg, and to Drillmaster J. M. Munday of the Charlotte Fire Department, the incendiary effect of various types of aerial bombs and mines.



had been taken care of in 1919; in 1923 the General Assembly passed a law requiring standard exits for all theatres, which radically changed theatre construction; in 1925 Governor McLean, in Budget memos 36 and 137, ordered that all permanent buildings erected by the State of North Carolina, including state educational institutions, be of fire resistive construction.

This was as far as he could go without general legislation. In 1931 he organized the North Carolina Building Code Council with Professor W. G. Geile of State College. The Building Code which they prepared has been used by North Carolina cities and counties. In 1941 it was enacted into law by the General Assembly and is now the State Building Code.

National recognition, like state recognition, seems almost to have come of itself. In 1913, the year after his work in the automobile factory, he was appointed a member of the first joint committee of Fire Underwriters and Fire Chiefs to test the efficiency of motor equipment for city use. In 1921, as a part of his work for safety in the schools, he introduced the idea of segregating furnace and fuel room areas in school buildings at the Convention of the National Fire Protection Association. It gained the immediate approval of the Association and of the National Board of Fire Underwriters.

By 1925 he had worked out a method of protecting ceilings in the furnaces and fuel rooms of old school buildings. First applied to an old building in Hamlet, it was adopted by the Fire Underwriters, who promoted its use and gave credit to Brockwell for the development. In 1930 he was made a member of the Educational Committee of the International Association of Fire Chiefs and designated to assist in preparing a "Fire Chiefs' Handbook." He is a member of the Building Code Committee and of the Exits Committee of the National Fire Protection Association.

Sherwood Brockwell has led the firemen of the state, the region, and the nation. Since 1936 he has been Secretary of the North Carolina Fire Chiefs Association, and since 1937, by legislative enactment, Chief of

the North Carolina Volunteer Fire Department; in 1929 and again in 1930 he was unanimously elected President of the Southeastern Fire Chiefs' Association; in 1926 he served as Secretary and in 1935 as President of the Fire Marshals' Association of North America. His innumerable honorary positions are no less impressive; to mention but two of them, he is an honorary member of the Firemen's Associations of five states and, in recognition of his contribution to the elimination of fire hazards in public buildings, an honorary member of the American Institute of Architects.

Although he is the oldest fire marshal in years of service in North America and although the list of his honors would fill a sizeable column, Sherwood Brockwell's career is still in full swing, but with America's entry into World War II it has come to a second turning point. As he himself has said speaking of his training at the Chemical Warfare School at Edgewood Arsenal, Maryland, after forty years of fighting fires he has had to go to school again to learn how to fight a new kind of fire.

After leaving the Edgewood School he began carrying its message to different sections of the state: to the Roanoke River Fireman's Association, the Eastern Carolina Fireman's Association, and then to meetings of firemen and related officials in Greensboro, Roxboro, Raleigh, Durham, Fort Bragg, Lexington, Red Springs, Roanoke Rapids, Thomasville, Burlington, Wilmington, and other towns. He is also in demand from neighboring states. When the Japanese struck at Pearl Harbor, Sherwood Brockwell was already organized and going and has kept going ever since and is every day going stronger than ever. He is a member of the State Defense Council, Coordinator of Fire Department Mobilization, and at a statewide meeting in Raleigh on December 10 organized the firefighting forces of North Carolina for Civilian Defense.

Sherwood Brockwell's name has become a symbol of inspiring leadership to the firemen of the state. He now joins forces with the part-time instruction staff of the Institute of Government in a training program for both citizens and officials throughout the state.

## Priorities Link

*(Continued from page 5)*

equipment with all possible care; use it sparingly and keep it in the best possible condition.

### Amendment to P-46 for Utilities

An important amendment to P-46 covering the operation, maintenance and repair of utilities was recently issued whereby limited amounts can be expended for new services or connections. While this regulation should have been received by all operators direct from Washington, the Institute of Government will be glad to supply a copy to any public official on request.

### The Immediate Future

No one will venture to forecast the exact turn of events for the next few weeks or months. But it must be pointed out that with all the effort of the past two months, the United States is still putting only about one-quarter of its effort into war and production for war.

Germany is now putting 60 per cent of all its efforts toward winning the war. It is our task to close this gap between our effort and the effort of the enemy. To do so we must give up more and more of our civilian needs and we must do it now.

City, county and state officials will face this issue with calm determination that local government will not hamper the war effort and, that at the same time, essential public services will not fail.

## Walter Anderson

*(Continued from page 3)*

1925. On June 1, 1928 he was assigned to the motorcycle patrol, on October 1 he was promoted to the Detective Division, in 1930 to Detective Sergeant, in 1934 to Lieutenant, and in 1935 he was appointed Chief of Police.

He attended the first statewide and district police schools conducted by the Institute of Government and was the first North Carolinian to attend the twelve-week training course of the National Police Academy set up by the Federal Bureau of Investigation. In 1940 he was elected Vice-President of the National Police Academy Associates, the nationwide graduate organization, and this year was made their President.



# Counties, Cities and Civilian Defense

On December 7th, civilian defense in North Carolina received a much-needed shot in the arm. Before that time officials had not been able to get any response at all from many of the county councils; the next day, state offices were being besieged with offers of service.

The newspaper comment on the organization meeting of the Wilson County Defense Council could apply to similar meetings all over the state: "It was one of the most unified gatherings ever held here. There were no arguments about anything said in the solemn discussion of the questions involved." Before the war there was only the vague, looming eminence of danger that might come in a score of ways; now we remember that during World War I ships were sunk less than twenty miles off Hatteras, and that the striking power of aircraft has been increased tenfold since then.

## Framework of Civilian Defense

The national leaders who set up this program simplified the task for everyone when they recognized the fact that civilian protection against alien forces was so closely related to the normal functions of government that, while it would be necessary to add new duties and often to change the direction of the old services, it would still be best to use the channels that have already been cut. The organizational skeleton of the protective services is much the same as that of any city or town in peacetime:

1. Emergency police protection.
2. Air raid wardens—organized either independently or as a part of police services.
3. Emergency fire protection.
4. Emergency utilities and public works.

These basic services are common to all councils. The size of the town or county covered, its location, and other factors such as the proximity of industrial plants, power plants, and military camps will determine how far it is necessary to go with each of the basic services and what other services should be added.

An excellent example of the adaptation of the program to local conditions is the Coast Guard Auxiliary

## Police, Firemen and Public Works Officials Have Vital Part to Play in Keeping Home Front Safe.

By  
**SAMRAY  
SMITH**  
Staff Member  
Institute of  
Government



in Wilmington. A large proportion of the men who own boats there are assisting the Coast Guard in its work along the waterways of the area by taking over patrol and police duties. A similar group is the Civil Air Patrol, composed of civilian pilots organized into units scattered all over the state, which will patrol strategic roads, railroads and waterways and assist in guarding airports when there is a call for their services.

The chairmen of the county councils and the municipal civilian protection committees are chosen by the state office of the North Carolina Council for National Defense. They are the directors, and they may undertake the administrative work themselves or, as is done in the larger counties and cities, appoint a coordinator, such as the city or county manager, as executive head.

### Protection and Provision against Disaster

The local director or coordinator must keep in mind constantly that his organization has two distinct aims, to provide:

- First:** (a) protection against sabotage and espionage at vital points throughout his area (guards and watchmen), and (b) precautions against a surprise attack in force (observation posts for air spotters); and

**Second:** a much larger reserve force trained to go into action the instant disaster strikes, whether it be an air raid, a conflagration, an epidemic, disruption of the power or water supply through sabotage, or a combination of these.

### Emergency Police Protection

A newspaper reporter told of sitting with a group of F. B. I. men on the afternoon of December 7th, and of being left alone in the room within five minutes after the news of the attack on Pearl Harbor came over the radio. Whether or not local police officers were called on so soon, numbers of them were stationed as guards when they next went on duty. In Winston-Salem, a typical larger city, soldiers and police guarded the airport, waterworks, sub-stations, telephone exchange, newspapers and radio stations; this list could be reproduced for every city and town in the state with only such changes as the size, location and facilities of each town might dictate. There has been a general tightening of regulations and an added sense of responsibility, illustrated by the requirement that Charlotte policemen report their whereabouts to headquarters even when off duty.

### Organization of Defense Work

The Chief of Police or the Police Commissioner is the logical choice for director of emergency police services, both because of training and experience in the peacetime phases of the work and because his regular force will be the nucleus around which it revolves. Many communities have found a civilian deputy to handle routine organizational details an invaluable aid in keeping the Chief's time free for the work which he can handle best.

**The first job** of the Police Chief and his Deputy is a survey, made in conference with the local defense chairman or coordinator, of the probable extent of disruptions of law and order in their own particular spot. Towns along the coast, for instance, will put more emphasis on the air-raid warning system and restricting the movements of boats and ships, whereas Asheville is con-



cerned with protection of railroad tunnels and power dams in its area.

Their second job is a general stock-taking, an inventory of (1) **equipment** to be used in case of sabotage, panics, air raids or any of the special jobs that arise in war-time, such as the necessity of handling suspicious packages or unexploded bombs, and

(2) **personnel** necessary to maintain order and cope with any of the above emergencies.

Such an inventory is only a means to the end that holes in equipment and personnel may be plugged up. Much new equipment is being bought, but in several counties citizens have been asked to register all arms larger than .22 caliber either at civilian defense headquarters or at the sheriff's office, and to turn in all firearms they were willing to contribute to an emergency arsenal. When properly publicized these campaigns have been highly successful.

The recruiting, organization and training of auxiliary and reserve guards and watchmen is the major administrative task of the emergency police program. They should be selected for reliability, capacity to assume leadership in a crisis, and for specialized knowledge of the type of work they are to do; for instance, amateur pilots would make the best watchmen for an airfield. The training of these men falls to the regular police or sheriff's force, particularly to those officers who have themselves been trained in schools conducted by the Federal Bureau of Investigation at the National Police Academy or at the statewide and local schools conducted by the district offices, such as the Civilian Defense Course for Police which the F. B. I. is conducting at the Institute of Government February 2-7.

#### **Air Raid Wardens**

The Air Raid Wardens are usually organized under the Chief of Police and occasionally as an independent unit, but the characteristic flexibility of the civilian defense program is illustrated in the town of Black Mountain, where the entire civilian protection program has been placed under the air raid warden, with police and fire fighters as the nucleus of the volunteer force.

As an out-and-out emergency group, Air Raid Wardens are the embodiment of Civilian Defense in the territory they serve, their posi-

tion is one of leadership and trust, and a heavy responsibility lies on them to gain the confidence of their people so that they may reassure, direct, and help them when the catastrophe for which they are organized arrives.

The training required of all wardens is a ten hour first aid course conducted by the Red Cross, lectures and drills on combating incendiary bombs and gas, and special instruction in preparation of reports and other paper work. Apart from this formal training each warden must know his territory as though it were the inside of his house, not only streets and buildings, but the location of hydrants, alarm boxes, coal chutes and other emergency exits, and deep cellars where he may direct people he finds on the streets.

The specific duties of Air Raid Wardens are: (1) enforcement of the blackout with the assistance of the police—getting the population to cover, stopping cars and turning off their lights, evacuating danger zones, and patrolling the sector to put out all street lights, store signs, and lights showing in houses; (2) reporting damage to the Control Center; and (3) assisting the police, firemen, and medical workers as his training and common sense dictate, always remembering that arson and other sabotage are most likely to be attempted during a blackout.

#### **Emergency Fire Protection**

Because the immediate object of the enemy is destruction of property rather than the disruption of law and order, war-time changes in fire-fighting are greater than those in law enforcement. Sherwood Brockwell, State Fire Marshal and chairman of the State Fire Mobilization Committee, summed up the situation when he said that after forty years of fire-fighting it was necessary for him to go to school again to learn how to fight a new kind of fire.

A few of the measures that have been found necessary in different parts of the state are suggestive. Wilmington is building fire-booms into the Cape Fear, to prevent a conflagration should one of the oil storage tanks near the river be set on fire and gasoline on the water threaten to spread the flames. Fayetteville is prepared to assist the Fort Bragg fire department should the reservation be bombed. In Asheville the truck room of each of the

five fire stations is under watch by members of the force twenty-four hours a day.

When the Defense Fire Chief, his deputy, the local coordinator, and the waterworks superintendent have determined what measures are necessary in their locality by a survey of equipment, the fire-alarm system, water supply, and special hazards such as utilities and storage tanks, they are ready to make the purchase of additional equipment and to enroll volunteers as auxiliary and reserve fire fighters.

This force is put through the same training program as regular firemen, with additional instruction in the types of bombs, handling of explosives, and the detection and prevention of sabotage. They are then divided into a service force for regular duty at the fire-house and a reserve corps to be called when needed. Fire-watchers will be organized under the Air Raid Wardens from this second group, and will go on duty when an air-raid warning is sounded.

At the request of the Office of Civilian Defense the Chemical Warfare Service has developed an intensive two-week course of training for police and fire officers. The object of this course is not only to train the men but to develop them as instructors who will return to their homes and themselves teach others how to extinguish an incendiary bomb and protect themselves against gas. The State Fire Marshal and two other North Carolinians have been among the limited groups who have taken this course.

#### **Emergency Utilities and Public Works**

The protection of utilities and other public works is a function of the police and fire departments and their auxiliaries, assisted by watchmen and guards employed by the privately owned power companies, railroads, and telephone companies. In some places Defense Councils are increasing the guards at industrial centers and around public buildings. In any case, a specially organized force should be available to guard utilities and public works during blackouts and to repair damage to equipment that would mean interruption of these vital services.

Telephone exchanges, broadcasting towers, substations, and waterworks in most towns are now brightly lighted as well as guarded. Dur-



ing an air raid these lights would necessarily be extinguished, and additional reserve guards stationed at all vital points. The superintendent of each of these services, or someone else who has a thorough knowledge of their workings—such as an electrician for a radio station—should be put in charge of emergency guard and repair work, and the organizations should be coordinated under the Police Department or, in larger towns, the Superintendent of Public Works.

## New Bern

(Continued from page 6)

Department has naturally increased with the increase in population. So far it has not become necessary to add new personnel; however, employees of the department received a wage raise in December. The matter of repairs is presenting quite a serious problem because of the difficulty of procuring necessary materials. Due to heavy debt service payments in recent years major repairs to the streets have been neglected, and now the city is faced with the probability of losing the surfaces of some of its streets unless repair materials are forthcoming.

## New Civic Centers

Two years ago the Junior Woman's Club began raising money to build a brick club house on the city-owned playground on George Street. When the club members' efforts provided only enough money to purchase the necessary materials for N.Y.A. workers to lay the foundation and sub-floor and build the side walls, the Federal Government contributed \$12,000 to \$15,000 in the name of national defense. The building is now nearing completion. A new U.S.O. building has just been completed at a cost of \$28,000. An old hospital building purchased and completely renovated by the Salvation Army at a total cost of \$18,500 has been taken over as another U.S.O. unit. Sailors, soldiers, coast guardsmen and marines are taking full advantage of all these facilities for their comfort and enjoyment.

## Municipal Expenditures Increase

In adopting its budget for the year 1941-42 the Board of Alder-

men increased the recreational appropriation \$900 to take care of increased expenditures brought about by the various activities on defense projects in the vicinity. The tax rate was left at \$1.60, which provided a contingent fund of \$20,000. From this fund \$9,000 was transferred to the Police Department Appropriation.

Tax collections in New Bern have increased considerably. The 1940 levy was about 78% collected during the current year as compared to 70% of the 1939 levy. Due to changes in ownership of real estate, delinquent tax collections have increased. H. R. Houtz, Auditor and Tax Supervisor of Pamlico County, reports that by checking the Selective Service draft lists with the tax books he discovered about 200 persons who had never listed for poll tax, some of whom were more than 30 years old.

These eastern North Carolina marshes have often been described as "something to hold the world together." A passing glance will reveal that millions of dollars are being spent here to hold the world together through the preservation of democracy.

## Program of Action

(Continued from page 3)

sheriffs and patrolmen from all sections of Piedmont North Carolina to the Institute of Government Building at nine o'clock Monday morning, February 2, and keep them here through Saturday, February 7, studying such wartime problems as sabotage, espionage, blackout enforcement, traffic control, prevention of looting, air raid precaution duties.

Monday, February 9, through Friday, February 13

**Priorities, Public Purchasing, War-time Financing, Co-ordination of Local, State and Federal Defense Activities** will be the subjects of a series of district conferences led by Institute of Government staff members beginning Monday, February 9, with city and county governing boards, mayors, managers, purchasing agents, and local defense council chairmen, in:

**Asheville**, at the Buncombe County

Courthouse, 10 A.M. Monday, February 9;

**Statesville**, at the City Hall, 10 A.M. Tuesday, February 10;

**Chapel Hill**, at the Institute of Government Building, 10 A.M. Wednesday, February 11;

**Fayetteville**, at the Fayetteville City Hall, 10 A.M. Thursday, February 12;

**Greenville**, at the Municipal Building, 10 A.M. Friday, February 13.

**Early in March (dates to be announced)**  
Civilian Defense Officials

The Institute of Government Staff, with the assistance of federal, state and local defense organizations, will conduct at the Institute of Government Building in Chapel Hill a **Civilian Defense Training School** for local defense council chairmen and their chief deputies.

**Wartime traffic** will be the theme of a six-day school conducted by F.B.I. at the Institute of Government building sometime in March.

**Early in April (dates to be announced)**  
Law Enforcing Officers

The Institute of Government staff with the assistance of F.B.I., state and local instructors will begin a series of one-day district school, to be held every thirty days, with the purpose of bringing systematic police training, sharpened by the problems of emergency and war, within reach of all the thousands of law enforcing officers in North Carolina, including town and city police, county sheriffs and their deputies and rural police, highway patrolmen and State Bureau of Investigation agents, civilian police reserves and guards at defense plants and strategic points.

**During the Months of April and May (dates to be announced)**  
Taxation, Accounting, and Finance Officials

The two-day training school for local **Tax Supervisors, List Takers and Assessors** conducted by the Institute of Government in December, 1941, in preparation for the tax listing period beginning January 1, 1942, will be followed by training schools for **City and County Tax Collectors** during the months of April and for **City and County Clerks, Accountants, Budget Makers and Finance Officers** during the month of May.



# Recent Supreme Court Cases

In the case of *Tumey vs. State of Ohio*, 273 U. S. 510 (1927), the Supreme Court of the United States decided that it was a violation of due process of law to make the compensation of a magistrate dependent upon his conviction of defendants.

This decision came home to North Carolina in 1941 when Eldon Steel pleaded guilty in the court of a Rockingham justice of the peace to a minor criminal charge, and was sentenced by the magistrate. He carried his case to the Supreme Court on a writ of *habeas corpus*, on the theory advanced in the United States Supreme Court decision that the judge had "a direct, personal, substantial pecuniary interest in reaching a conclusion against him."

The editorial page of the Greensboro Daily News carries the following comment on the court's decision and the justice of the peace problem still with us.

"In the case entitled 'In the Matter of Eldon Steele' recently handed down by the North Caroline (sic) Supreme court, the question was raised whether the fact that a magistrate gets his costs—usually \$2 or more, depending on the locality and the magistrate—if he convicts the defendant and fails to get them if he doesn't gives the magistrate such a personal pecuniary interest in the outcome as to disqualify him to sit in judgment.

"The North Carolina Bar association as *amicus curiae* cited the case of *Tumey vs. Ohio*, decided by the United States Supreme court in 1927, which held that a judicial officer whose pay depended upon a conviction was thereby disqualified to act.

"Our court held that the magistrate was not disqualified in the Steele case, and based its decision on two main grounds: (1) That the defendant had pleaded guilty, leaving nothing for the magistrate to decide; and (2) that the defendant did not object to being tried by the magistrate until the trial was over.

"That probably settled the case of Eldon Steele, more particularly as he brought the matter up on a *habeas corpus* and since doing so has been inducted into the United States army, wherein he still is. An appeal

to the United States courts would be to release the defendant from the custody of the law. And since the *corpus* of young Steele is not in jail but in the martial custody of the United States, an appeal to that government would not help.

"The North Carolina Supreme court, however, did not settle the problem of the magistrates. Like the poor, it is with us always.

"The justice of the peace problem falls into two divisions: (1) The method of selection and (2) the method of compensation.

"In the old days the office of justice of the peace was a high honor. Nat Macon after his service in Congress and Thomas Ruffin after his service as one of the greatest of our chief justices were proud to act as magistrates. Times have changed.

"The justice of the peace system is important because it touches more people than all the other courts combined in all probability, and it touches those who are least able to appeal from wrong decisions. That is all the more reason why 'the fountain of justice should be pure at its source.' Respect or disrespect for law rests largely on the magistrates. The Regulators in the early days of this country knew what they were talking about, when they said, with more wisdom than grammar: 'Though there is a few men who have the gift or art of reasoning yet every man has a feeling and knows when he has justice done him.'

"In spite of the many honest magistrates, the jaypee system has long been an open scandal in North Carolina. The cost-only-on-conviction element of the system is utterly inexcusable. It puts too much suspicion on the honest magistrate at the same time that it puts too much temptation on the weak magistrate in a close case when 'self the wavering balance shakes.' Almost any lawyer has heard some magistrate say: 'I don't know whether your man is guilty or not but somebody has to pay these costs.' Frank Winslow of Rocky Mount, tells a story of a lawyer for the defendant going out to a magistrate's house and saying to the squire, 'It's a pretty cold day. What do you think of taking a little nip before we start

the case?' The justice strokes his handlebar moustache and gravely replies: 'No thank you, lawyer, I have just drunk with the plaintiff.' It has been said that a magistrate whose business is principally criminal must either 'convict so many head a month or go out of business.' North Carolina is one of the few states that have the collect-as-you-convict method of paying magistrates.

"The second great defect in the system is the method of selection of the justices. Some are appointed by the governor, some by the legislature and some are elected. North Carolina is the only state which uses such a combination. There is no restriction as to who shall be magistrates, there are no qualifications required, and there is little or no supervision after they take office.

"A thorough reformation of the system is needed. A committee of the North Carolina Bar association, under the able and energetic chairmanship of James G. W. MacClamroch, of Greensboro, has been waging a hard fight for reform for 10 years, but the legislatures have proven stony ground. However, the 1939 legislature did reduce its usual 1,000 appointees to 700 and the 1941 legislature reduced its to 501. Lately the North Carolina Association of Magistrates has joined the reform movement. Still the legislature balks.

"The reform suggestions have struck at the two vicious defects of the system mentioned above. They must be cured together, if at all. These suggestions in brief would provide: (1) For appointment of fewer and better justices of the peace by the governor from a panel provided by the resident judge of the district; (2) for a shift from a costs basis of compensation to a salary, the costs which formerly went to the justice to go to the governing body; (3) for certain minimum requirements of intelligence and character, although the panel system might obviate the necessity of making such requirements; and (4) for some system of supervision.

"Everybody seems to favor reform now except those justices who fear they will lose their jobs. They have some political pull and in the past seem to have had considerable weight with the legislature. It remains to be seen how much they will have in the future.



# Bulletin Service

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



Prepared by

W. M. COCHRANE of the Staff of the Institute of Government

## 1. AD VALOREM TAXES.

A. Matters relating to tax listing and assessing.

3. Exemptions—property of state agencies.  
To Hon. Dink James. Inquiry: Does a municipality have the right to tax property to which title is held by the North Carolina Veterans Loan Fund?

(A.G.) In accordance with the decision in the case of Weaverville vs. Hobbs, 212 N. C. 684, I advise that property owned by the World War Veterans Loan Fund is exempt from ad valorem taxation.

To Messrs. Harding and Lee. Inquiry: A parcel of property owned by the World War Veterans Loan Fund has been rented by an individual, the lease containing an option to purchase. Is this property subject to county and city taxes?

(A.G.) This property is exempt from ad valorem taxation until the option has been taken up and the deed made to the proposed purchaser. See Weaverville vs. Hobbs, 212 N. C. 684.

## 5. Exemptions—city and county property.

To Hon. M. G. Boyette. Inquiry: Where a municipality owns and operates a golf course and club house, and where the public is regularly charged fees for playing on the course, is such property subject to ad valorem taxation by the county, and if so, may the county commissioners relieve the municipality of liability for the tax?

(A.G.) The Constitution, Art. V, s. 5, provides that property belonging to the state or to municipal corporations shall be exempt from taxation. The court in Andrews vs. Clay County, 200 N. C. 280, held that this provision was mandatory and self-executing, that it therefore required no statute to give it effect, and that there were no qualifications as to the character of use made of such property belonging to the state or municipal corporations.

In Warrenton vs. Warren County, 215 N. C. 342, however, the court held that this provision of the Constitution exempts municipal property from taxation only when such property is used for a governmental purpose. This case was decided by a divided court.

S. 600 (1), Ch. 310, P. L. 1939, provides that real property lawfully owned and held by counties, cities, townships or school districts, used wholly and exclusively for public or school purposes, shall be exempt from taxation.

In view of the Warren County case, the only question here to be decided is as to whether the charging of fees for use of the golf course would cause this property to be considered as not being wholly and exclusively used for public purposes. I know of no case in our Supreme Court in which this question has been presented.

I am unable to predict with any degree of certainty what our court would decide if the question you raise were presented to it.

As to the last part of your question, it would necessarily follow that if the property is taxable, the commissioners would

have no discretion as to remitting the taxes which might be due against it. C. S. 7976.

## 30. Situs of personal property.

To S. L. Johnson. Inquiry: Where an automobile owner lives in one town but allows his automobile to remain in another town, in which one should it be listed for taxation?

(A.G.) Under s. 800 of Ch. 310, P. L. 1939, all tangible personal property must be listed at the residence of the owner or person having control thereof, except in those cases where the owner or person in control hires or occupies a store, mill, dock, yard, piling ground, place for the sale of property, shop, office, mine, farm place for storage, manufactory or warehouse therein, for use in connection with such property. You will also find under this section that for the purpose of listing per-

The following inquiry, which came to the Governor recently and was referred by him to the Attorney General for answer, is one which could have come from any one of many rural communities and neighborhoods in North Carolina, and for good reason:

"Mr. Governor,

We have a township constable and he tries to act like a petroleman and he wont farm, he wont work only on the road. We want to know the law on it. We supported you when you were elected. We have heard your speeches over the radio and appreciate it. And Mr. Governor we do ask you to send us a law on the townshend constable. What authority he has.

An oblige,

sonal property, the residence of a person who has two or more places in which he occasionally dwells shall be the place at which he resided for the longest period during the year preceding the date as of which property is assessed.

## 50. Listing and assessment of property.

To Hon. Robt. T. Wilson. Inquiry: When a taxpayer sold a lot to a church for a parsonage in April, 1941, is he liable for the full amount of the taxes levied against this property for the year 1941?

(A.G.) It is my opinion that the prop-



ATTORNEY GENERAL  
HARRY McMULLAN

erty referred to would be liable for the full amount of the taxes levied against it for the year 1941, and that the transfer to the church during the year would have no effect on the taxes for that year. S. 302, Machinery Act of 1939, as amended, provides that property shall be listed as of its ownership on January 1st each year; S. 1401 provides that the lien shall attach as of the day on which the property was listed; and S. 1704 provides that the lien shall continue until the taxes, plus interest, penalties and cost, have been fully paid.

## 50½. Listing and assessing—Back years.

To H. A. Etheridge. (A.G.) Under s. 1109 (3) of Ch. 310, P. L. 1939, the county commissioners are authorized to assess any property or list any poll for the preceding years during which it escaped taxation, not exceeding five, in addition to the current year.

This subsection also provides that when real property is discovered which should have been listed for the current year, it shall be presumed that it should have been listed by the same taxpayer for the preceding five years, unless the taxpayer shall produce satisfactory evidence that such property was actually listed during those years or some of them.

## 98. Release on particular parcels.

To E. O. Moore. Inquiry: Can a mortgagee or other interested party other than the taxpayer, secure a release of the real property of the taxpayer without paying the personal property and poll tax?

(A.G.) S. 1704, Machinery Act of 1939, as amended, provides that the tax lien shall continue until the taxes, interest, penalties, and costs have been paid. The mortgagee or other interested party would therefore not be entitled to a release until the payment of the taxpayer's personal property and poll tax, or if the taxpayer owned more than one parcel of property, until a part of these taxes proportionate to the value of the parcel on which a release was sought as against his total property was paid.



**110. Listing of personal property.**

To Hon. A. C. Hudson. Inquiry: Who should list personal property for taxation where it is held by a pawn broker as a pledge or pawn?

(A.G.) It is my opinion that the pledgor or pawnor of personal property should be considered the owner of the property within the contemplation of the Machinery Act, and should list the same for taxation.

**B. Matters affecting tax collection.****35. Tax foreclosure—costs and fees.**

To Hon. O. L. Williams. Inquiry: May officers serving process in tax foreclosure suits instituted by a county require payment of their fees in advance of final determination of the suits?

(A.G.) S. 1719 (k), Machinery Act of 1939, as amended, provides for payment of costs in tax foreclosure actions in the same manner as in other civil actions, and upon the collection of such costs, provides for payment of fees to those entitled to receive them. It is my opinion that officers have no right to demand payment of fees in advance of final determination of such an action.

**II. POLL TAXES AND DOG TAXES.****C. Dog taxes.****3. Power to levy.**

To J. R. Davis. Inquiry: Please advise as to whether cities and towns have the power to levy privilege taxes on dogs.

(A.G.) C. S. 2677 authorizes cities and towns to levy and collect an annual tax on all dogs. C. S. 2683 provides that persons failing to list dogs for municipal taxes shall be liable, at the option of the commissioners, to payment of double taxes on the dogs or to destruction of the dogs. The Supreme court has held that a statute empowering town authorities to require payment of a dog tax is constitutional and that it is not an ad valorem tax, but a specific tax for the privilege of keeping a dog in the town. *Mowery vs. Salisbury*, 82 N. C. 175; *Newell vs. Green*, 169 N. C. 462.

**III. COUNTY AND CITY LICENSE OR PRIVILEGE TAXES.****A. Levy of such taxes.****40. License tax on peddlers.**

To Hon. T. P. Pruitt. Inquiry: Mr. A. buys from wholesale houses products such as peanuts and candy, stores them in his home, which he considers his warehouse, and sells them direct from his truck to stores, filling stations, and other retail outlets, but not directly to consumers. Is he subject to payment of the Peddlers License Tax?

(A.G.) P. L. 1939, Ch. 158, s. 121 provides in part as follows: "Any person, firm, or corporation who or which shall carry from place to place any goods, wares, or merchandise, and offer to sell or barter the same . . . shall be deemed a peddler, except such person, firm, or corporation who or which is a wholesale dealer, with an established warehouse in this State and selling only to merchants for resale. . ."

I believe this case would turn on whether this man was actually using his home as a warehouse, keeping a substantial quantity of merchandise there, or whether he is using his house as an implement by which he may evade the statute. If his house is actually a warehouse, then in my opinion he would come within the exemption and would not be required to pay the peddlers tax.

**V. MATTERS AFFECTING COUNTY AND CITY FINANCE.****D. Sinking funds.****4. Investment—U. S. bonds.**

To Hon. W. E. Easterling. Inquiry: Can

proceeds realized from the sale of bonds issued under the provisions of the County Finance Act be invested in U. S. Defense Bonds, where construction cannot be completed due to scarcity of building materials at the present time?

(A.G.) C. S. 1334 (38) states explicitly how the proceeds from the sale of bonds under the said act may be used. In my opinion there is no provision in this section which would sanction the purchase of bonds with a part of the proceeds of the sale of these bonds, and such an investment would be in direct conflict with the provisions of the section above referred to.

**VII. MISCELLANEOUS MATTERS AFFECTING CITIES.****B. Matters affecting municipal utilities.****7. Services outside corporate limits.**

To W. A. Dees. Inquiry: May a municipality assess and collect charges or fees against persons residing outside the city limits, but who use the city water and sewerage systems and are accorded fire protection by the city fire department?

(A.G.) Under C. S. 2806 (i), the governing body of any municipality operating a sewerage system is authorized to charge for such service and fix a schedule of charges therefor; and under this statute, such municipalities are authorized to fix schedules of rates for services outside the city different from those fixed for services within the corporate limits.

Under C. S. 2808, a municipality may fix a rate for water furnished outside the city limits different from the rate for water sold inside the city. These are the only two statutes I have been able to find treating with this subject.

**C. Police and fire protection.****9. Municipal property outside city limits.**

To John H. Hall. Inquiry: Do municipalities have the authority to appoint special policemen to guard the city water supply and equipment from possible sabotage when the property is outside the city limits?

(A.G.) C. S. 2790 provides that all ordinances of a city or town enacted in the exercise of the police powers given it for sanitary purposes, or for protection of municipal property, unless otherwise provided by the governing body, shall apply to territory within one mile in all directions outside the city limits as well as to the territory within the city, and shall also apply to the rights-of-way of all water, sewer and electric light lines of the city and upon all other municipal property and rights-of-way outside the corporate limits.

This, in my opinion, would give police officers of the city, who have been duly appointed, authority to guard such property whether it is within or without the city. It would perhaps be advisable to have adequate ordinances passed relating to trespassers on this property.

**G. Principal liability for Tort.****10. Negligence of employees.**

To S. L. Johnson. Inquiry: Is a town liable for damages to others caused by an official driving his own car in the performance of his duties?

(A.G.) Generally a municipal corporation is not liable for damage caused by a member of its police force in discharge of his duties: 121 N. C. 301 (1897); 127

N. C. 146 (1900); 168 N. C. 293 (1915); 197 N. C. 309 (1929); 212 N. C. 504 (1937); 214 N. C. 737 (1938). It seems reasonable to suppose that if a municipality would not be liable for negligent use of its own automobile, it would not be liable for damages caused by a car belonging to the police officer or other official. In *Jorgenson vs. City of Sparta*, 271 N. W. 926 (1937), the Wisconsin Court so held, even though a statute made the city liable for the negligent operation of a city-owned motor vehicle.

**K. Grants by cities and towns.****12. Miscellaneous.**

To Hon. Ernest B. Warren. May a municipality make donations to such organizations as the Boy Scouts, Girl Scouts, Public Library and similar worthwhile organizations, even though such expenditures are not for necessary expenses, where the funds so donated are obtained from other sources than ad valorem taxation, such as income from a municipally owned waterworks and light plant?

(A.G.) C. S. 2960-1 (a) provides that no municipality shall make an appropriation except as provided by statute. Under the so-called surplus revenue doctrine, municipalities have been permitted to make expenditures for some purpose authorized by law, but which from a constitutional standpoint was not a necessary expense. (For full discussion of this principle and citation of cases, see *Sing vs. Charlotte*, 213 N. C. 60.) Therefore, in each instance, in looking at the question of whether a particular expenditure may be made, we must ascertain whether there is statutory authority for it. If so authorized, and if for a necessary expense, it may be made from funds derived from taxation as well as from funds derived from other sources. If not a necessary expense and not authorized by statute, the expenditure might be made from surplus funds of the municipality. Provisions of the County Fiscal Control Act are applicable to municipalities, and what may be considered as surplus funds must be determined in the light of the provisions of that Act. *Sing vs. Charlotte*, supra.

There is statutory authority for making appropriations for public libraries. C. S. 2702. Appropriations for any other purposes would have to be separately considered and an examination made of the statutes with reference thereto to ascertain whether or not they are legally authorized.

**M. Sunday closing laws.****11. Sale of beer and wine.**

To Hon. John T. Sawyer. Inquiry: Can

**N. Police powers.****19. During State and national emergencies.**

To Hon. William B. Campbell. Inquiry: Do municipalities already have authority to enact public safety measures necessitated by war conditions, such as the power to enforce blackouts and to require outside switches for business establishments?

(A.G.) I think that unquestionably the general powers of municipalities granted by statute authorize them to enact ordinances relating to blackouts during the present emergency in the interest of State and National defense. C. S. 2673 is a general grant of such power; C. S. 2787 is even broader and more detailed. I believe that the courts will uphold reasonable regulations to this end.



a town by ordinance prohibit sale of wine and beer on Sunday in the area just outside its corporate limits?

(A.G.) As a general rule, a municipal corporation's powers cease at its corporate boundaries and cannot, without plain manifestation of legislative intention, be exercised beyond its limits. Such statutes are strictly construed, and in the absence of an express authorization of the legislature the town could not prohibit sale of wine and beer in the area outside its limits.

#### Z. Workmen's Compensation and other employees' funds.

##### 4. Who are employees.

To W. P. Stradley. Inquiry: Are prisoners who have been sentenced by the mayor to work out fines upon the city streets, and who are paid the sum of \$3.00 per week for subsistence because the governing body cannot furnish adequate jail quarters, considered employees of the town to such an extent that they would come under the Workmen's Compensation Act?

(A.G.) I do not think that such prisoners are employees of the town in that sense. It is my opinion that the amount paid to them weekly should not be considered as wages, but rather as purely an amount issued to them for subsistence in lieu of actually feeding and caring for them during the period they are required to work out the fines, as provided by C. S. 2636.

The Workmen's Compensation Act was amended in 1941 by Ch. 295, Public Laws. Thereunder it is provided that the Act "shall not apply to prisoners being worked by the state or any subdivisions thereof . . .", except prisoners who have been assigned to the State Highway and Public Works Commission for work on the public highways of the state.

#### VIII. MATTERS AFFECTING CHIEFLY PARTICULAR LOCAL OFFICIALS.

##### B. Clerks of Superior Court.

##### 79. Decedent's estates—distribution and administration.

To Joseph Branch. Inquiry: Where a woman was at the time of her death entitled to \$200.00, which sum had been paid to the clerk of Superior court under S. 65 (a) of the Code, and where she left 5 children under 14 years of age, should the clerk first pay the funeral expenses or should he pay the sum to the husband under C. S. 4111?

(A.G.) It is my opinion that the allowance to the children by C. S. 4111 is entitled to priority over even funeral expenses. See Denton vs. Tyson, 118 N. C. 542.

##### 84½. Day for signing judgments.

To Hon. J. E. Swain. Inquiry: Is a clerk of superior court authorized to sign a judgment on a day other than Monday, where the judgment is based on a motion to dismiss the action for failure to file a complaint?

(A.G.) The Supreme court in the case of Beaufort County vs. Bishop, 216 N. C. 211, at 214, said: "In this state the clerk of Superior Court is a court of very limited jurisdiction, having only such jurisdiction as is given by statute. McCauley vs. McCauley, 122 N. C. 288; Dixon vs. Osborne, 201 N. C. 489. The statute conferring upon the clerk authority to enter judgments provides in substance that, except as otherwise provided, no judgment shall be entered by the clerk except on Monday. P. L. Extra Session 1921, Ch. 92, as amended by P. L. 1923, Ch. 68. The authority otherwise applies only to judgment of voluntary non-suits and those entered by consent. P. L. 1921, Extra Session 1921, Ch. 92, secs. 12 (a) and (b)."

It is my opinion that the clerk would

not be authorized to enter a judgment in a civil action of the kind above referred to except on Monday.

##### C. Sheriffs.

##### 1. Salary and fees.

To F. B. Garrett. Inquiry: Is the sheriff entitled to a commission on 1941 prepayments of taxes?

(A.G.) This office has formerly held that officials selected to take prepayments of taxes would not be entitled to commissions on the amounts paid them.

##### D. Register of deeds.

##### 3. Bond.

To William D. Kizziah. Inquiry: Where the real estate deeds and mortgages in the office of a register of deeds are being re-indexed under a WPA project with the aid of WPA workers, what is the liability of the register of deeds for errors which might occur in the project?

(A.G.) The statute, C. S. 3561, provides, inter alia, that the register of deeds shall provide and keep in his office full and complete alphabetical indexes of the names of the parties to all instruments permitted to be recorded, and our court has held in a number of cases that failure to properly index the registry of instruments renders the register of deeds liable on his official bond to one injured thereby. State vs. Grizzard, 117 N. C. 105; State vs. Hester, 177 N. C. 609; Bank of Spruce Pine vs. McKinney, 209 N. C. 668.

I think that an error occurring in the registration, whether under WPA project or any other, would render the register of deeds liable on his bond for any loss caused thereby.

##### L. Local law enforcement officers.

##### 56. Police—special and emergency.

To Hon. Theo. Easom. Inquiry: Where citizens of a town have volunteered to take turns acting as guards for protecting the water system against sabotage, how may they be given authority to arrest a prowler or intruder?

(A.G.) In order for these men to be clothed with the police power sufficient to give them power of arrest, all of them would have to be sworn in as special police for the purpose of protecting the city property.

I think this would be true even though they were paid no salary for this service, but were merely volunteers working free of charge.

##### 99. Fees.

To J. E. Paschal. Inquiry: In an arrest made by a State Highway Patrolman, where should the arrest fee be paid?

(A.G.) P. L. 1929, Ch. 218, sec. 8, provides that the arrest fee shall be paid into the general fund of the county in which the cost of such fees is taxed.

##### 100. Witness fees and rewards.

To M. D. Wyrick. Inquiry: Is a police officer entitled to a witness fee, either as a witness or a prosecuting witness?

(A.G.) In the absence of any special act to the contrary, it is my opinion that police officers on salary are precluded from accepting witness fees. See C. S. 3893.

##### M. Health and welfare officers.

##### 1. County Welfare Board.

To Hon. Marsden Bellamy. Inquiry: Please advise whether the members of the county board of welfare are entitled to receive any pay for attending meetings other than reimbursement for expenses; what

would be considered expenses; and who would fix the compensation of the members.

(A.G.) In my opinion, under s. 3, Ch. 270, P. L. 1941, the members of the county board of welfare would be entitled to reimbursement for their expenses only. It is my thought that the only times which should be included in the reimbursement would be transportation to and from the place of meeting, together with reasonable subsistence while at the meeting place. The amount should be determined by the governing body, if such governing body sees fit to grant anything, since under the section cited it is not mandatory that the governing body pay welfare board members anything at all. Such payment is authorized by the section, but is entirely a discretionary matter.

##### 31. Health laws and regulations.

To A. S. Anderson. Inquiry: May a health office vaccinate a child without its parent's permission? Against its parent's permission? What procedure is to be followed in case of such a refusal?

(A.G.) C. S. 7162 empowers town and county boards of health to require certificates of immunity from smallpox from children attending school. Any parent, guardian, school committee, leader or principal permitting a child to violate this statute is guilty of a misdemeanor under this section.

This statute has been upheld in the cases of Hutchins vs. School Committee, 137 N. C. 68, and Morgan vs. Stewart, 144 N. C. 424.

Of course, in order for this law to be put into effect, there must be a regulation or ordinance passed by the local health authorities.

##### S. Mayors and aldermen.

##### 3. Compensation.

Hon. J. T. Maddrey. (A.G.) The laws of this state do not authorize, nor do I think town commissioners would have any authority to pass, an ordinance which would fix their own compensation for services as town commissioners. Should they do this, there would perhaps be a violation of C. S. 4388, which prohibits a commissioner of public trust, and a town commissioner falls within this category, from contracting for his own benefit.

##### 6. Appointive powers.

To Hon. William Dunn. Inquiry: Is a member of the board of aldermen eligible for appointment as city clerk, where the city charter provides: "That no person who shall have been elected and who shall qualify as alderman shall be eligible to any office to be filled by the board of which he has been elected a member," if he resigns as alderman before the position is filled?

(A.G.) Since the alderman who contemplates being a candidate was elected and qualified for his office and now holds the position, it is my opinion that he could not be named to fill any vacancy in any municipal office by the present board of aldermen.

##### 10. Vacancies—method of filling.

To John Payne. Inquiry: Who has authority to fill a vacancy in the board of commissioners of a town, in case of death of one of the incumbents?

(A.G.) Under the provisions of C. S. 2629, you will find that in case of a vacancy after the election in the office of town commissioner, the others may fill it until the next election.

##### 15. Quorum of board.

To George E. Welch. Inquiry: Where the governing body of a town consists of a mayor and five commissioners, would the



mayor and two commissioners constitute a quorum for a meeting?

(A.G.) C. S. 2633 provides that "the mayor shall preside at the meetings of the commissioners, but shall have no vote except in cases of a tie. . . ."

C. S. 2821 provides that every member of the governing body shall have the right to vote on any question coming before it. A majority shall constitute a quorum. . . ."

I do not think that under the above statutes the mayor would constitute a member of the governing body to the extent that he would be counted as one of a sufficient number of the board of commissioners to constitute a quorum. "Ordinarily the office of mayor is of an executive or administrative character, and he is not permitted to vote except in cases where it is especially provided." *Markham vs. Simpson*, 175 N. C. 135.

#### 26. Trading with member of board.

To Messrs. Thorp & Thorp. Inquiry: The charter of the city of Rocky Mount permits a member of the board of aldermen to serve as city treasurer. In the absence of express authorization, is it permissible for the board to pay one of its members a salary for services in this capacity?

(A.G.) A commissioner of a public trust is prohibited from contracting for his own benefit by C. S. 4388. In my opinion it would be in direct conflict with this statute for the board to pay one of its members a salary as city treasurer.

#### T. Justices of the peace.

##### 1. Fees.

To J. C. Powell. Inquiry: In what criminal cases is the Justice of the Peace entitled to one-half fees when the cases are sent to Recorder's Court or Superior Court?

(A.G.) C. S. 1259 provides that where there is no prosecutor and the defendant is acquitted—or convicted and unable to pay the costs—or a nol pros is entered or judgment arrested, the county shall pay the clerks, sheriffs, Justices of the Peace, and witnesses one-half of their lawful fees, except in capital cases and in prosecutions for forgery, perjury, and conspiracy, in which cases they shall receive full fees. It should be noted that local legislation or public-local laws may alter these fees.

##### 7. Residence.

To J. W. Turner. Inquiry: Please construe C. S. 1469, which provides that when any justice of the peace removes out of his township and does not return therein for the space of six months, he loses and forfeits his office thereby. Does a justice of the peace have power to act for the first six months after moving into another township in the same county?

(A.G.) Until such justice of the peace has resided outside his township for a period of six months, he would still have authority and would be clothed with the power to act as justice of the peace for the period of six months after removal.

##### 10. Jurisdiction.

To E. H. Chappell. Inquiry: Under what circumstances does a justice of the peace have final jurisdiction in cases of fraudulent disposal of mortgaged property?

(A.G.) Since the punishment for fraudulent disposal of mortgaged property is greater than can be meted out by a justice of the peace, I advise that he does not have final jurisdiction in any such cases. He has only the power to bind over to a higher court.

#### U. Notary public.

##### 3. Powers and duties.

To G. L. Allison. (A.G.) A Notary Public has full power and authority to perform the functions of his office in any and all

counties of the state, and full faith and credit is required to be given to any and all of his official acts wheresoever the same shall be made and done. C. S. 3176.

#### 61. Member State Bar Council.

To Hon. Marshall T. Spears. Inquiry: Is the First Vice President of the State Bar, who is an *ex officio* member of the

### IX. DOUBLE OFFICE-HOLDING.

#### 23. Member rationing board.

To Hon. T. S. Johnson. Inquiry: The Governor is authorized to appoint various local boards, known and designated as local rationing boards, to serve under the supervision of the State Council of Civilian Defense, whose duties will be to administer the provisions of the rationing regulations promulgated by the Federal Price Administration during the national emergency. Would appointment to these local boards constitute the holding of public office to the extent that public-local officials would not be permitted to hold such office in addition to their present ones, under the prohibitions against double office-holding contained in the Constitution, Art. XIV, s. 7?

(A.G.) Our Supreme Court has held that the office of county commissioner and member of the county board of education are both offices within the meaning of the prohibition. And, of course, such other officers as clerks of the superior courts, judges and prosecuting attorneys of recorders' courts, registers of deeds, tax collectors, county auditors or accountants, are also officers in this sense.

On Sept. 25, 1940, this office ruled that membership on a local Selective Service Draft Board, even though it might be considered and held to be a public office, would, in all probability, under the existing state and national emergency, be considered to be a commissioner for a special purpose and thereby would not come under the constitutional prohibition against double office-holding.

I was unable to find any decision by our court on this question. However, in the case of *Johnson vs. Chambers* (Ga., 1919), 98 S. E. 263, the court there held that membership on such a board did not come within a city charter provision against double-office holding, saying that "membership on the board is in its nature temporary and transitory, and purely for an emergency." To the same effect, see *State vs. Joseph* (La., 1918), 78 So. 663-665.

It seems to me that appointment to membership on the local rationing board would create an analogous situation to that discussed in the *Georgia* and *Louisiana* cases, and that our court, should the case ever be brought before it, might very well hold that even though membership on this board might be considered an office, it would, in all likelihood, under the existing emergency, be exempt from the provisions of Art. XIV, s. 7, of the Constitution, as a commissioner for a special purpose.

Council of the State Bar, holding a public office? a member of the Gasoline and Oil Inspection Board?

(A.G.) Since the decision in the *Parker* case, 209 N. C. 695, and the repeal of part of Section 3 of the 1933 act in consequence thereof, we have reached the conclusion that a member of the Council of the State Bar is a public official. A member of the Gasoline and Oil Inspection Board is also holding a public office, P. L. 1937, Ch. 425, s. 9, as amended by P. L. 1941, Ch. 220.

### XI. GENERAL AND SPECIAL ELECTIONS.

#### B. Ballots.

##### 10. Absentee ballots.

To Wilson K. Doyle. (A.G.) Prior to the enactment of Ch. 346, P. L. 1941, absentee ballots were permitted only in general elections, and, of course, under the law in effect at that time, soldiers could vote in general elections with absentee ballots.

The 1941 General Assembly passed an act permitting citizens of this state who are in the armed forces of the United States to vote in primary elections by the use of absentee ballots.

### XII. STATE TAXES.

#### U. Use tax.

##### 1. Exemptions.

To Dr. H. B. Perry. Inquiry: Is a doctor purchasing medicines as a dispensing physician entitled to exemption from the use tax on medicines as provided by law?

(A.G.) The exemption of medicine from the use tax applies only to medicines sold under doctor's prescriptions, and does not apply to purchases by a doctor from a pharmaceutical company. This is in accordance with law and with the rules and regulations of the Commissioner of Revenue.

### XIII. STATE INSTITUTIONS.

#### D. Administrative departments.

##### 4. State Library Commission.

To Hon. Edward F. Taylor. Inquiry: Who is charged with the responsibility of administration of the appropriation of \$100,000 of State funds provided for by Ch. 93, P. L. 1941, which was made for the purpose of promoting, aiding and equalizing public library service in North Carolina?

(A.G.) The wording of s. 3 of the Act, which provides for administration of the funds appropriated, means that the fund may be administered only under rules and regulations duly promulgated by the North Carolina Library Commission, and allocated among the counties of the state under such rules and regulations as have been decided upon by the Commission, after consideration of local needs, area and population to be served, local interest, and other factors considered by the Commission as affecting the entire State program of service.

Neither the board of county commissioners nor the library board of any county may use these funds in any manner, nor may either of said boards determine the place or method where or whereby such funds may be expended, unless permitted to do so by the State Library Commission, and then only in the manner prescribed by the Commission.

##### 5. Department of Labor.

To Basil L. Whitener. Inquiry: Does the Maximum Hours of Labor Law of N. C. apply to a registered woman pharmacist in a retail drug store?

(A.G.) The law provides that a registered pharmacist, man or woman, is exempted from its provisions under the professional classification section.



# Wartime Program of the University

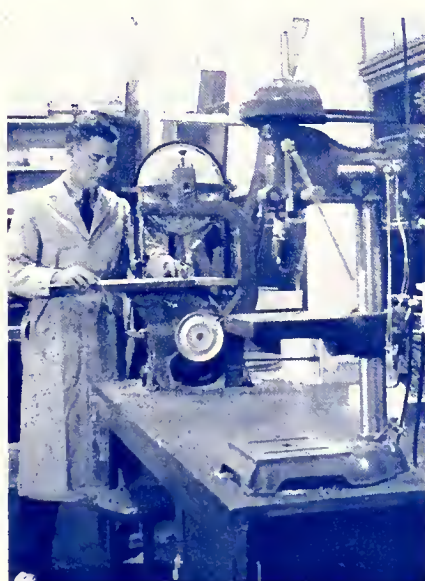
Over a year ago the University of North Carolina took inventory of its mental, physical and moral resources, with the aim of preparing and expanding its training facilities to coincide with the defense effort.

Since that time Horace Williams Airport has been expanded to become one of the largest in the south, offering CAA training to an increasing number of University men; the Naval Officers Training Corps unit is well into its second year with a total enrollment of 187 freshmen and sophomores; an agreement with the Army Air Force makes possible a special one-year course in selected subjects, which satisfies the rigid educational qualifications required for entry into the air arm; public health nursing and home nursing courses are offered along with medical technology courses for training medical technicians; courses in physics, chemistry, biology, pharmacy and medicine, geology, psychology, mathematics, meteorology, cartography and others have been redesigned to emphasize training vital in preparation for modern war.

## Civilian Morale Service

This fall the University has responded to another call to service in the defense effort—the job of bolstering civilian morale out in the state.

The University during the past year has had joint sponsorship with the U. S. Office of Education and the State Department of Education of public forums, discussions and radio round-tables all over the state. The Extension Division, whose Director, Russell M. Grumman, is Coordinator of the new Center, has had years of experience in supplying library materials to discussion and study groups. This machinery, already set up and functioning throughout the



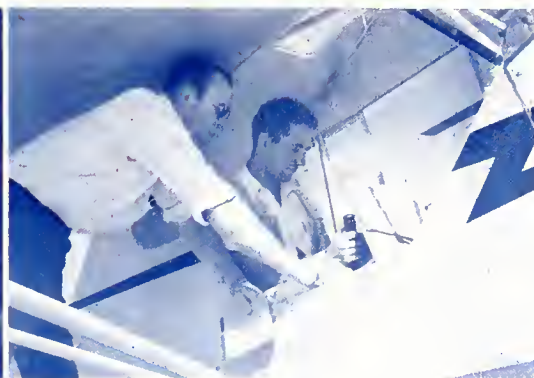
state, makes the University ideally fitted to undertake the task of encouraging study and promoting understanding of the problems facing the nation today.

The University's wartime program was further rounded out to add military to the air and naval training already under way, with the formation of the Carolina Volunteer Training Corps, in which four hundred students have enlisted and are already drilling.

Beginning with the winter quarter in January, high school students who had completed the tenth grade and who were able to pass special examinations were admitted to the University. Freshmen entering in January could make up lost time by going to summer school, for which the University is planning a full schedule of courses. The University has gone on a twelve-month school year, with a full curriculum available for those who would graduate in three years instead of four.

"We have a message for them [people in the overridden and occupied countries of Europe who are daily risking their lives to strike their blows from the underground for freedom]. We do not bid them have courage; that would be carrying a cup of water to the Mississippi River. But we bid them be of good cheer. We are now enlisted in their service as they so long have been enlisted in ours. We shall fight for them with arms as they have fought for us without them. Let them remember, 'those that be with us are more than those that be against us.' From the Gobi to the Sahara, from the Urals to the Rockies, the sheriff's *posse comitatus* is gathering. The waves of the seven seas will bring the ships of the united nations and their planes will come on the wings of the morning from the uttermost parts of the globe.

"This is our message to the Underground. 'Lift up your brave tough hearts. Our hands are on the plow. We shall not turn back or turn aside, we shall "not fail nor falter nor repent" until government of the gangster, by the gangster, and for the gangster has perished from the earth.'" — Editorial from Greensboro Daily News.





# PROGRAM OF ACTION

January 28  
Chapel Hill

Public Water Supplies in War Time, Instruction for Water Works and Other Officials.

February 2-9  
Institute of Government

FBI Civilian Defense Training School for Police.

February 9-13  
District Conferences

Wartime Purchasing and Finance; Coordination of Defense Activities.

Late February or Early March  
Institute of Government

Two-Day Training School for Local Civilian Defense Leaders.

The Latter Part of March  
District Schools

First of a Series of Monthly Schools for Law Enforcement Officers.

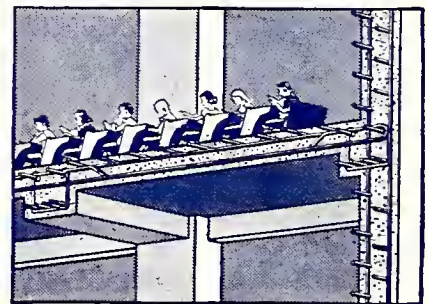
April and May  
Institute of Government

Training Schools for City and County Tax Collectors, Clerks, and Accountants.



by building your new schools with firesafe

## CONCRETE



You don't have to worry about the safety of a properly designed, reinforced concrete building. It stands secure against fires, tornadoes, explosions and even earthquakes.

And no wonder! Walls, frame and floors are a monolith of concrete and embedded steel bars. Such a structure has the strength, rigidity and toughness to withstand terrific twisting, bursting and other forces that might spell disaster in a split second for less sturdy construction. It is the *safe*, economical way to build.

Recommend concrete for the new school

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