

Weekly Legislative Summary

This is one in a series of weekly summaries of legislative work of the North Carolina General Assembly of 1961. It is confined to discussions of matters of general interest and major importance.

Newshawks and camp followers twiddled their thumbs while the Assembly droned through a rather featureless week, typical for this stage of the session. The tempo of new introductions picked up slightly, reaching an average of five bills daily in the Senate and 12 in the House. Total introductions to date are 161, as compared with 186 for the comparable period last session. House committee assignments were completed during the week; a mild flurry of debate was provoked in the Senate on a bill (SB 18) to authorize appointment of four additional Superior Court Judges; sporadic partisan crossfire in the House carried a hint that Democratic-Republican divisions may become more in evidence than in past sessions. This was about the size and shape of things as the 1961 legislature moved into its third week.

Court Revision

The 1961 version of the North Carolina Bar Association's bill to revise the state court system was introduced Friday by Rep. Taylor. The bill (HB104) is similar to the 1959 Senate Committee Substitute for the Bar Association bill introduced in that session. It differs from the original bill sponsored by the NC Bar Association's Committee on Improving and Expediting the Administration of Justice in North Carolina in that it vests in the General Assembly greater authority over the courts. The Supreme Court and superior courts would remain substantially as they now are. The General Assembly would be empowered to establish an intermediate Court of Appeals. A uniform system of district courts, with jurisdiction fixed by the General Assembly, would replace all existing inferior courts. The General Assembly would set up jury commissions in each county, and could provide for 6-man juries in the district courts, and for 5/6 verdicts in civil cases. The Assembly would also be empowered to allow waiver of jury in all but the most serious criminal cases. The Supreme Court would be authorized to make procedural and administrative rules governing the whole court system, but the General Assembly could, by a 3/5 vote, alter or repeal any court-made procedural rule governing the superior or district courts. The General Assembly would establish a uniform system of court fees and costs, and the courts would be financed at the State level.

"Lawyers' Bills"

Principal sources of new bills during the week were the General Statutes Commission and the Judicial Council. One of the duties of the Commission is to engage in continuous statute research and correction to the end that the General Statutes shall be as free as possible from technical weakness and error. The Judicial Council is especially concerned with matters which will improve the administration of justice in the state. Accordingly, bills from these agencies are usually "lawyers' bills."

frequently of considerable significance but of limited interest. Among the 15 bills introduced from the General Statutes Commission was HB 51 which permits allegations in certain divorce actions to be couched in specified statutory language, thus making it unnecessary to detail in the complaint the sometimes sordid acts of spouses—details which result in embarrassment and damage to parents and children. SB 36 would eliminate from the statutes a special provision governing conveyances to slaves. SB 39 would take women one step forward toward equality with men; if the bill is enacted women will no longer be barred from sharing the privilege of being subject to civil arrest.

Among the Judicial Council bills relating to court procedure is HB 70, which would eliminate the requirement that uncontested divorce cases in the superior court be tried before a jury; this would permit the judge to hear and determine the case without the formality of seating a jury and polling them in the box. The jury would continue to be required in divorce cases in inferior courts. Judicial Council bills in the field of criminal law and procedure include SB 72 which would allow the superior court solicitor to argue for the death sentence in capital cases; the reasoning behind this bill is that if the defendant's lawyer may argue for mercy the State should be free to argue for the death penalty. This question will undoubtedly be bound up with an anticipated bill (not yet introduced) which will abolish capital punishment in North Carolina. HB 63 is another Council bill which would eliminate an advantage now enjoyed by a defendant—the bill would give the State the same number of peremptory jury challenges in criminal cases as the defendant has. Other Council bills relate to particular offenses. Perhaps most important is SB 29 which makes \$200, rather than the present \$100, the dividing line between misdemeanor and felony larceny; if the bill passes many petty theft cases involving between \$100 and \$200 can be tried on warrants in lower courts, rather than on indictment in the superior court.

School Board Study

Recommendation of a uniform method of selecting city and county boards of education is the purpose of a study commission proposed by SR 26 and HR 50 introduced by Sen. Scott and Rep. Henly. The administration-backed resolution would authorize the appointment of a 9-member commission, composed of 3 persons appointed by the Governor, 3 Senators appointed by the Lieutenant Governor, and 3 Representatives appointed by the Speaker of the House, to make a recommendation to the

GOOD FOREST MANAGEMENT MEANS PROFITS AND A HEALTHIER WOODLAND

1963 General Assembly. Presently most county boards of education are appointed by the General Assembly (usually, though not always, from candidates appointed by the political parties of the county in a party primary or caucus) but in a few counties the voters have been given the power to select the members. Most city boards of education members are elected by the voters of the city administrative units, though in some city units they are appointed by the city council or self-perpetuating.

Water Resources

This well-watered week saw creation of a new House Committee on Water Resources and Control, as well as resurrection of the old Committee on Irrigation and Drainage after a one-session lapse. The chairman of the former will be Rep. Murphy of Pender (chairman of the Agriculture Committee in 1959); of the latter, Rep. Cohoon of Tyrrell. Little business awaits these committees as yet. The only proposed water legislation now in the works is SB 14, introduced two weeks ago by Sen.

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WOOD RECREATION TREE FARM WATER WILDLIFE

Whitmire, to clarify the authority of a board of county commissioners to fix the maximum amount of a county watershed tax that is to be voted upon in a referendum. This bill passed second reading in the Senate on February 24.

Miscellaneous

HB 82 would increase compulsory automobile insurance limits to \$10,000-\$20,000—\$5,000 from the present limits of \$5,000-\$10,000—\$1,000, and would make it a crime to sell automobile liability insurance with lesser limits; the deposit in lieu of insurance would be increased from \$11,000 to \$25,000 . . . SB 28 authorizes county commissioners to control auto parking on county-owned property by adopting parking regulations, the violation of which would be a misdemeanor punishable by a \$1 fine . . . SB 45 changes the procedures for selecting members of the State Board of Dental Examiners; they would be elected by mail ballot of licensed dentists of the state, rather than being chosen by the NC Dental Society.

While Secretary of State Thad Eure has been schooling the

House members in parliamentary procedure, experienced Senators have been expounding to their freshman colleagues on ways and means of getting along in that body. Classes were suspended by both Friday, as the important task of getting home to confer with constituents took precedence.

BIRTH ANNOUNCEMENT
Mr. and Mrs. Jack Dempsey of Austin, Texas, announce the birth of a son, Mark Christopher, on February 13. Mrs. Dempsey is the former Miss Estelle Stallings, daughter of Mr. and Mrs. W. R. West.

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Lent, A Good Season For Peanut Products

North Carolina homemakers will find the Lenten season a good time to step-up the use of peanuts and peanut products in menus.

Present indications are that the total supply of peanuts will be between 20 and 21 per cent in excess of domestic requirements this year. This means that peanut products, including peanut butter, peanut oil, and salted peanuts, will be plentiful during the coming months.

Peanuts—a concentrated food—are an excellent source of protein, as well as a good source of thiamine and niacin. When used in a mixed diet, they can serve as an excellent low-cost meat substitute. Peanut butter is by far the most popular of the peanut products. Although it is the peanut industry's gift to sandwich makers, peanut butter can also be used in many dishes, in hot breads, and cookies.

For a pleasant variety, try this recipe for 16 two-inch peanut butter biscuits. First, sift together 2 cups flour, $\frac{3}{4}$ teaspoon salt and $2\frac{1}{2}$ teaspoons baking powder. Work in 2 tablespoons shortening and $\frac{1}{4}$ cup peanut butter. Add about $\frac{3}{4}$ cup milk slowly, stirring until a soft dough is formed. Knead a few times on a lightly floured board, roll or pat to the desired thickness, and cut into biscuits. Bake on an ungreased baking sheet at 410 degrees for 15 minutes.

Try these variations for sandwich fillings.

1. Pineapple — One-half cup peanut butter, $\frac{1}{2}$ cup drained

crushed pineapple. Mix lightly.

2. Cranberry sauce — One-half cup peanut butter, $\frac{1}{2}$ cup cranberry sauce. Mix lightly.

3. Date — One-half cup peanut butter, $\frac{1}{2}$ cup chopped pitted prunes, 2 teaspoons lemon juice, 2 teaspoons prune juice. Blend well.

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