

Weekly Legislative Summary

Note: This is another of a series of weekly summaries prepared by the legislative staff of the Institute of Government on the work of the North Carolina General Assembly of 1967. It is confined to discussions of matters of general interest and major importance.

Criminal Procedure

Several of the bills introduced in the General Assembly this year indicate the State's share in concern with problems of insuring equitable and efficient methods of criminal procedure, from the point of first detecting the suspected offender until the defendant's final recourse to higher courts of appeal.

The schism in public thought about methods that may legitimately be used to detect violators was evidenced this week by

the prolonged debate that prefaced the passage by the Senate of the bill (SB 25) removing the restriction against the Highway Patrol's use of airplanes to detect motor vehicle violations. The ultimate fate of this bill must await determination by the House; it and its House counterpart (HB 50) are presently being considered by the House committee on Highway Safety.

Another group of bills, now in various stages of legislative consideration, is aimed primarily at working out a just scheme for handling the criminal defendant between the time of his arrest and his trial. Two bills have been introduced for the purpose of facilitating pre-trial release of accused but untried defendants who, without such provisions, must languish in jail because of lack of

money to pay bondsmen for bail that would permit their release. Both of these introductions (HB 85 and HB 320) would permit officers authorized to fix and take bail to release defendants upon their promise to return or upon execution of an unsecured bond if the officers felt that the defendants were likely to return for trial even without posted security. The latter of these bills also makes failure to live up to the terms of the pre-trial release a misdemeanor and shifts from the counties to the State the costs of extraditing one who has fled the state while released without security.

Another measure (SB 143) reflecting concern with fairness to defendants during their stays in jail is a provision, ratified this week, outlawing eavesdropping by electronic

means on the conversations between a person in custody and his attorney. (The bill also prohibits such eavesdropping on the deliberations of grand or petit juries).

The most comprehensive of the legislative measures aimed at the problems of incarcerated criminal suspects promises to be the jail package slated for introduction in the near future by Senator Morgan. The pending introduction of this legislation was announced by him last week when he brought the attention of the Senate to a report, prepared under the auspices of the Legislative Research Commission, on conditions in North Carolina's jails.

Other measures are aimed at the trial process itself. A bill (SB 168-HB 348) reported out today by committees of both houses strikes at the present jury system, believed anachronistic by the Courts Commission, and substitutes a streamlined method of picking jurors, notable for its pruning away of many of the jury exemptions that had accumulated over the years.

Also, a pair of bills has emerged in this Session intended to revamp two of the privileges to testify at trial. HB 166, ratified on March 30, permits the husband to testify against his wife in certain criminal cases, while HB 118, now in a House judiciary committee, expands the clergyman's privilege by making clerical testimony about matters communicated in confidence incompetent and

by removing the ability of judges to compel disclosure by a clergyman if they believe it demanded by justice.

A bill (SB 116) to permit timely withdrawal of an appeal made from a District Court to a Superior Court without the necessity of paying Superior Court costs passed the Senate and was sent this week to a House committee. The apparent aim of this bill is to permit the use without penalty of the filing of an appeal as a means of delaying the due date of costs and fines owed the court while the defendant raises the needed money. Three other bills are concerned with more orthodox uses of the appellate process. The creation of a Court of Appeals (TB 87-SB 42, ratified March 29) will ease the load of the Supreme Court, thus facilitating speedier appeal for criminal defendant (and others).

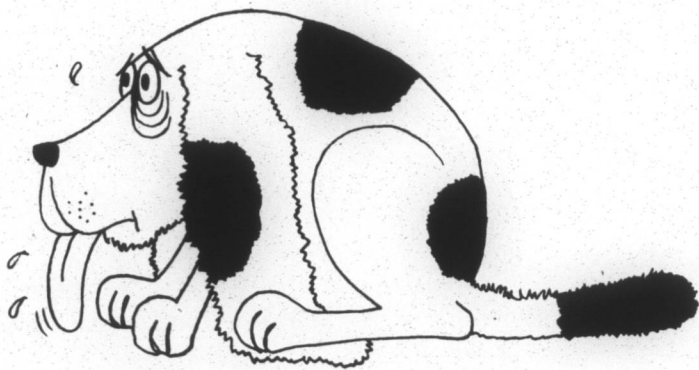
Introduced this week was HB 481, a bill to provide for automatic review of the sufficiency of the State's evidence in all criminal cases regardless of whether a claim that the evidence was insufficient had been made at trial. HB 363, now in the Senate Courts and Judicial Districts Committee after passage by the House, would make it clear that the State as well as the defendant may appeal from Superior Court judgments in post-conviction criminal appeals, and insure the availability to defendants of the necessary legal counsel and court records for such proceedings.

Potpourri

Brown bagging legislation continued to receive spirited debate in the Senate . . . a number of bills have been introduced providing for election of county school boards . . . a committee substitute for the ambulance service bill was adopted . . . the House today memorialized "the edible and delectable wild mountain food commodity called ramp" . . .

Unaware

Mrs. Peck—When you married me, you deliberately deceived me.
Henry—In what way, dear?
Mrs. Peck—You told me you were well off.
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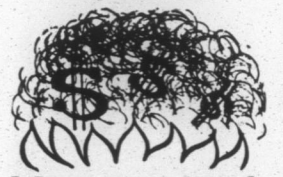
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NOTICE OF TOWN ELECTION

A Resolution by the Chowan County Board of Elections calling a Regular Election of Town Officials.

BE IT RESOLVED by the Chowan County Board of Elections of Edenton, North Carolina that in accordance with a resolution adopted by the Board of Councilmen of the Town of Edenton, Edenton, North Carolina, and the General Laws of the State of North Carolina, the Chowan County Board of Elections hereby calls for an election to be held in the Town of Edenton on Tuesday, May 2, 1967, the same being the First Tuesday after the First Monday in May, the date established by the law for said election. Said election shall be conducted for the purpose of electing a Mayor and three Councilmen, one Councilman each to be elected from First and Second Ward of the Town of Edenton and one to be elected by the town at large, a Treasurer, and three members of the Board of Public Works by the voters of the town. Above said Councilmen to be elected for a term of four years. Above said candidates for office of Board of Public Works, shall be elected for terms of four years. The Mayor and the Treasurer shall be elected biennially and shall serve for terms of two years. All qualified voters shall have the right to cast ballots for every office.

Proviso: The above is subject to any acts of the North Carolina General Assembly changing the Charter of the Town of Edenton.

BE IT FURTHER RESOLVED that the polling places shall be as follows and that the following are hereby appointed Registrars and Judges of said election:

- FIRST WARD: POLLING PLACE, MUNICIPAL BUILDING.**
- | | |
|------------------------|-----------|
| Mrs. George C. Hoskins | Registrar |
| Mrs. S. F. Hicks | Judge |
| Mrs. J. A. Curran | Judge |
- SECOND WARD: POLLING PLACE, CHOWAN COUNTY COURT HOUSE.**
- | | |
|------------------------|-----------|
| Mrs. Richard Hollowell | Registrar |
| Mrs. Bert Willis | Judge |
| Mrs. Clyde Cobb | Judge |
- THIRD WARD: POLLING PLACE, ELECTRIC & WATER PLANT.**
- | | |
|--------------------|-----------|
| Mrs. J. M. Thorud | Registrar |
| Mrs. Sidney Campen | Judge |
| Mrs. Delmas Sawyer | Judge |
- FOURTH WARD: POLLING PLACE, NATIONAL GUARD ARMORY.**
- | | |
|--------------------|-----------|
| Mrs. J. E. Cozzens | Registrar |
| Mrs. W. E. Mills | Judge |
| Mrs. Guy C. Hobbs | Judge |

BE IT FURTHER RESOLVED that all persons eligible to vote in the Town of Edenton, as defined by general law, shall be eligible to register and vote in the town election herein called.

BE IT FURTHER RESOLVED that the Registrar be and he is hereby directed to open the registration books for the purpose of recording therein the names of all persons eligible to be registered who did not register for the last preceding municipal election.

BE IT FURTHER RESOLVED that the Registrar shall open said books at the polling place at 9:00 A. M., on Friday, April 14, 1967, and shall keep said books open each day for seven (7) days, excluding Sunday, for the registration of any new electors entitled to register from 9:00 A. M. until 5:00 P. M., except on Saturday, April 15, when the books shall remain open until 9:00 P. M.

BE IT FURTHER RESOLVED that Saturday, April 22, 1967 shall be designated as Challenge Day, and that any person desiring to challenge any name included in said registration books shall on this day advise the Registrar and Judges of the fact. The Registrar and Judges shall thereupon set a date and a time for the hearing of the challenge, but said date shall be prior to Monday, May 1, 1967.

BE IT FURTHER RESOLVED that this resolution shall be published in a newspaper having general circulation in the Town of Edenton or shall be posted at the Municipal Building.

BE IT FURTHER RESOLVED that all candidates for any of the offices above named shall notify the Chairman of the Chowan County Board of Elections no later than 12:00 noon on the 8th day of April, 1967, in order that their names be printed upon the ballots.

The foregoing resolution was unanimously adopted by the Chowan County Board of Elections.

Polls will be open from 6:30 A. M., until 6:30 P. M. This the 28th day of March, 1967.

Chowan County Board of Elections
E. L. Hollowell, Chairman.

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