

The General Assembly of Nineteen Thirteen

Legislature to Meet In Special Session

Primary Purpose Being to Propose and Submit to Vote of the People Specific Amendments to the Constitution of the State—Fifteen Amendments Already Proposed—Special Commission Appointed.

When the General Assembly of 1913 adjourned on March 12, concluding a sixty-four days regular session, it was with the distinct and definite understanding that it would be called in extraordinary session by Governor Locke Craig within twelve months. The primary purpose of the extra session is to submit to the people of the State for ratification at the polls certain specific amendments to the constitution. At least fifteen amendments are proposed in bills introduced in the Legislature at the regular session. It will be for the General Assembly to say which of these amendments shall and which shall not be submitted to the people. Also the General Assembly will have full power to propose and submit amendments other than those already proposed.

In order that all proposed amendments may be thoroughly considered and made ready to be acted upon by the General Assembly when it meets in extraordinary session, a special commission was created under resolutions adopted at the regular session, to go over the whole ground of proposed and needed amendments, give due consideration to each, draft such

for the action of the General Assembly at the extra session. This commission is required to have printed and distributed in pamphlet form bills introduced at the regular session proposing amendments and to complete and file its report with the Governor at least sixty days before the special session is to be convened.

Matter of Necessity. There was considerable sentiment against an extra session of the General Assembly, one of the leaders in the legislative body believed that the regular work of the session might be completed in thirty days and that adjournment might then be held for four days, and an adjourned session of ten days, and Representative R. A. Doughton gave notice that he would offer a resolution at the expiration of thirty days to this effect, but when the fifty days expired the General Assembly was overwhelmed with its regular work, many hundreds of private and public local bills had not been disposed of. The adjournment resolution was never offered. Not only the allotted sixty days were consumed in the work of the regular session, but the members remained here four days without any day to finish up the important work pending. It was found absolutely impracticable to give any adequate consideration to the weighty matters of constitutional amendments during the regular session. Yet it was conceded by the majority of the members of the Legislature that there is absolute need for some changes in the fundamental law of the State.

Date of Extra Session. When the special session of the General Assembly will be convened is an open question. Two dates have been discussed among the members of the Legislature as the only practicable ones: First, August or September; second, January of next year. The consensus of opinion seems to run in favor of the latter date. It is pointed out that the farmers of the State, some of whom are members of the Legislature, are busy in the late summer and early fall, more so than in January, and that if the session were convened in August or September, it would be necessary that the special commission should complete its work and make its report to the Governor by the latter part of July, or early in August, sixty days prior to the opening of the session; and that, as the members of the commission have already been absent from their homes and business more than two months of the year, it would be too much of a sacrifice for them to do their extra work within the next three months.

The Commission. The commission, constituted under a resolution proposed by the joint Senate and House committee on constitutional amendments and adopted by both branches of the General Assembly, is composed of a committee of five members of the Senate appointed by Lieutenant Governor E. L. Doughton, a similar committee of eight members of the House appointed by Speaker George W. Connor, and a committee of five members appointed by Governor Locke Craig. The committee was constituted by the General Assembly to act during the interim between the regular and extra sessions, to consider all bills introduced in both branches of the Legislature at the regular session proposing amendments to the constitution, to prepare amendments, all to be considered by the General Assembly at the extraordinary session and by it submitted to a vote of the people, if its judgment so directs.

Under the resolution providing for the commission and prescribing its duties, it is required to prepare its report and submit the same to the Governor at least sixty days prior to the convening of the extra session. And under a resolution introduced by Representative M. A. Griffin and adopted by both branches of the Legislature, the commission is required to have all bills proposing constitutional amendments introduced at the regular session, printed in pamphlet form and a thousand copies distributed, including three copies to each member of the General Assembly. It is understood this will be done in the near future, probably immediately after the organization meeting in April.

Personnel of Commission. The commission is composed of the following: Appointed by the Governor—A. M. Keates, of Guilford; J. W. Bailey, of Wake; D. Y. Cooper, of Yadon; H. S. Alexander, of Rockingham; N. J. Stensland, of Forsyth.

On the part of the Senate—H. W. Starnes, of Rockingham; A. T. Grant, of Davie. (The last named is Republican leader in the Senate.)

On the part of the House—E. J. Justice, of Guilford; R. A. Doughton, of Alleghany; H. A. Page, of Moore; W. A. DeWitt, of Granville; C. S. Wallace, of Carteret; E. B. Wooten, of Lenoir; R. R. Williams, of Buncombe; R. L. Haymore, of Surry. (The last named is Republican leader in the House.)

Some History. Early in the session of the General Assembly just adjourned the question of securing amendments to the constitution became one of almost paramount interest. The Senate and House committees on constitutional amendments held many long sessions, heard argument by various and numerous citizens of the State and members of the General Assembly, without arriving at any definite conclusion except that to secure amendments to the constitution had become an actual and acute necessity if the State was to continue to go forward. But how to secure these amendments was a question on which there was great division and various shades of opinion. Senator H. W. Stubbs had introduced a

course. Others advocated the submitting of specific amendments to the General Assembly in regular session. Others deemed this impracticable and championed the idea of an extra session for this purpose. It appeared well nigh impossible for the joint committee to agree upon any plan, when Senator A. T. Grant offered a resolution providing for the commission of eight members on the part of the House, five on the part of the Senate and five to be appointed by the Governor to thresh out the whole matter, consider proposed amendments and to draft specific amendments to be acted upon by the General Assembly in extra adjourned session. To this proposition representatives of both political parties and all shades of political thought agreed, the resolution was adopted by the joint committee, reported to the Senate and House and adopted by both bodies. The question of an extra session was settled, so was the matter of securing amendments to the constitution.

During the regular session bills were introduced in both houses proposing no fewer than fifteen amendments to the constitution. These were referred to the committees of constitutional amendments and turned over by these committees to the special commission which has been appointed and which will hold its initial meeting April 2.

Bills Proposing Amendments. Bills proposing amendments were introduced during the regular session and are now on file for the consideration of the special commission as follows: By Senator Gilliam: To amend the constitution "to provide for the establishment of inferior courts, to prescribe their jurisdiction and regulate appeals therefrom." (To authorize the General Assembly to establish such courts and providing that appeals from them may be taken direct to the Supreme Court.)

By Senator Gilliam: To amend the constitution "and to limit appeals to the Supreme Court."

By Senator Little, of Wake: To amend the constitution "to give the Governor the veto power."

By Senator A. D. Irie: To amend the constitution (1) "relating to the passage of special and private bills; (2) striking out the word 'rebellion'; (3) striking out the word 'power' in the matter of the Governor; (4) and making the Commissioner of Agriculture a member of the Council of State."

By Senator Gilliam: To amend the constitution "and to enable the General Assembly to limit and regulate appeals."

By Senator Lawrence Wakefield: To amend the constitution "relative to suffrage, as when an elector may register and vote without being able to read and write." (Extends the time from 1908 to 1926.)

By Senator W. B. Council: "To amend article 3, section 2, of the constitution of North Carolina, to make the constitutional requirement as to length of public school term six months instead of four months."

By Senator H. N. Phair: "To provide for amending and altering article 3, section 5, of the constitution of North Carolina, so that the same shall include shares of stock in purely mutual building and loan associations."

By Representative B. M. Clark: To amend the constitution "in regard to suffrage." (To give women equal rights with men at the ballot box.)

To amend the constitution "to secure to the people the initiative and referendum."

By Representative William Porter: To amend the constitution "regulating the time elections shall be held in the State." (Would provide that all elective officers of State, districts, counties and townships be elected for a term of four years.)

By Representative W. T. Clement: To amend the constitution "so as to abolish the office of solicitor and substitute in its place a prosecuting attorney in each county in the State." (To be elected by vote of the people of

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First of All a Six Months School Term in Every District in the State

Law Enacted in Response to Irresistible Demand From the Farmers and the People Generally, From Whom Petitions Were Received in Hundreds, Signed By Thousands—As Aycock is Known as the Educational Governor, So the General Assembly of 1913 Will Be Known as the Educational Legislature.

State Superintendent Joyner Rules That the Connor Amendment to Compulsory Attendance Act Does Not Make Its Application Optional With County Boards of Education, But Merely Gives Them Discretion as to the Methods of Enforcing the Attendance Requirements—The Attorney General Concurs.

Act to Provide The Educational • The Compulsory Six Months Term General Assembly Attendance Act

(By Dr. J. Y. JOYNER, State Superintendent of Public Instruction.)

What is considered the most important and the most far-reaching of all legislation enacted by the General Assembly of 1913 and that which probably will stand in North Carolina history as pre-eminent above all other measures is the act to provide for a six months' school term in every district in the State. But once before in the history of the State have so many of the citizens of North Carolina taken so much interest in the

assessment of property in North Carolina, the six months' school law will provide a fund of about \$25,000,000 and allowing for a reasonable increase in the assessed property, it ought to amount to not less than \$100,000,000 this year. Including the annual per capita

until the act was ratified, the petitions poured in each day, signed by hundreds and thousands of the people, those to be most affected, the farmers, being in a large majority among the petitioners.

The demand for provision for a six months' school term was simply irresistible. Some of the strongest men in both branches of the General Assembly opposed the enactment of such a law until the Legislature could see its way to provide the necessary money to increase the school term, but so great was the demand that the bill was enacted into law with the belief that the people would uncomplainingly bear whatever extra burden of taxation was necessary to put the law into force and effect.

Dr. J. Y. Joyner, State Superintendent of Education, the officials of the Farmers' Educational and Co-operative Union and many of the ablest and wisest leaders in the State's educational, industrial, civic and political life, including the venerable and beloved former Gov. Thomas J. Jarvis, threw themselves into the fray and united their great influence with the mighty demand from the people of the State to secure the enactment of the six months' school term bill. It marks the beginning of a new era in North Carolina's educational progress.

Per Capita Apportionment. The law combined the one hundred and twenty-five thousand dollars appropriation now distributed per capita to all counties of the State, and the one hundred thousand dollars appropriation now distributed to fifty-eight counties of the State to bring their school term to four months; adds twenty-five thousand dollars and apportions the entire two hundred and fifty thousand dollars per capita as to school population to all counties. This doubles the annual per capita apportionment to each county, thereby bringing the school term of the counties having more than four months that much nearer to five and six months; reduces the number of counties having less than four months, and lengthens the school term of the counties still having less than four months so as to reduce by that amount the sum to be raised in those counties by special taxation for a four months' term. This plan with

the joint committee of education of which a sub-committee was appointed to consider them in detail and with authority to draft a new bill if such course was deemed wise. After much careful consideration this sub-

committee drafted a new bill incorporating some of the features of each of the new bills and other features contained in neither of the original bills, then at a full meeting of the joint committee of the Senate and House, on education, the bill offered by the sub-committee was adopted, after some half a dozen amendments had been made.

This bill passed the House and Senate, but the Connor amendment was added to it in the House. This amendment, offered by Mr. Connor as a compromise for the purpose of securing the passage of the bill, was accepted by the opponents of the measure. It constitutes section eleven of the bill and is as follows:

The board of education of each county shall have power, at their regular meeting held in July of each year, and thereafter at any regular meeting, to make such rules and regulations as they may deem best to secure the attendance of all children between the ages of eight and twelve years upon the schools of the county, and such rules and regulations when approved by the county superintendent of public instruction and posted at the courthouse door and at the door of each public school house in the county shall supersede any provision of this act in conflict therewith.

The amendment in effect leaves the application of the act optional with the board of education of each county.

Summary of Provisions of the Act. Aside from the amendment the compulsory attendance act may be summarized as follows:

Age limits are eight to twelve years. The amount of attendance required each year is four months continuously, beginning at the beginning of the school term of such school each year, unless otherwise ordered by the county board of education or its lower grade cities of 2,500 or more inhabitants, by the school board of such towns or cities.

The following exemptions are provided for:

Those attending any public school in any county in the State for a term of at least 40 weeks.

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One of the most interesting acts of the General Assembly of 1913 is that providing for compulsory attendance on the public schools of the State. This act is something of an innovation and the people of the entire State are interested in its provisions.

Two bills providing for compulsory attendance were introduced in the House, one by Representative H. P. Bellinger and another by Representative J. B. Hester. The latter was

the joint committee of education of which a sub-committee was appointed to consider them in detail and with authority to draft a new bill if such course was deemed wise. After much careful consideration this sub-

committee drafted a new bill incorporating some of the features of each of the new bills and other features contained in neither of the original bills, then at a full meeting of the joint committee of the Senate and House, on education, the bill offered by the sub-committee was adopted, after some half a dozen amendments had been made.

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Judicial Districts Increased to Twenty

The State Re-Districted—Four New Judges and Solicitors—Number of Weeks of Court Provided For Each County in Each District—Relief For Congested Dockets and Earlier Disposal of Cases

Few Acts of the General Assembly of 1913 are of more interest to the legal profession or of more importance to the people of the State than those increasing the number of judicial districts, judges and solicitors from sixteen to twenty, re-districting the State; prescribing the number of weeks of court each county shall have and imposing upon Governor Locke Craig the pleasant or unpleasant duty of appointing four new judges and four new solicitors.

The act re-districting the State goes into effect July 1 next, so that the districts remain in force until the sixteen judges complete their work of the spring term. Then the new judges and solicitors will assume their duties.

The New Districts. The "new" districts, that is those districts in which resident judges had to be appointed, are:

The second, composed of the counties of Washington, Martin, Edgecombe, Nash and Wilson.

The eighth, composed of the counties of Guilford, Davidson and Stokes.

The twelfth, composed of the counties of Guilford, Davidson and Stokes.

The fourteenth, composed of the counties of Wayne, Johnston, Harnett, Chatham and Lee.

The eighteenth, composed of the counties of New Hanover, Brunswick, Columbus and Pender.

The twentieth, composed of the counties of Polk, Cleveland, Lincoln, Burke and Caldwell.

Solicitors Still on Fees. There was considerable agitation of the proposition to put the solicitors of the State on salaries instead of an honorarium system. A bill to this effect was introduced in the Senate and passed that body after much debate on the floor and before committee, but the measure met its death at the hands of the House. The measure had the endorsement of the solicitors of the State and of the Bar Association.

Relief for Congested Dockets. The purpose of the increase of court districts, judges and solicitors is to relieve the congestion that exists and has existed for some years on the dockets of a number of the counties. It is believed by those familiar with the situation that the increase in number of judges and the rearrangement of the districts will relieve the congestion and provide for more speedy trial of cases, thus affording great benefit to the citizens of many counties of the State.

Formation of Each District. The following shows the counties embraced in each district, the judge and solicitor of each district, the number of weeks of court provided for each county and the total number of weeks for each district:

First District—Judge, Stephen C. Braman, of Washington; solicitor, J. C. L. Bringham, of Elizabeth City; Carrington, Camden, Pasquotank, Perquimans, Currituck, Gates, Dare, Currituck, Hyde, 21, Beaufort 11; total 41 weeks.

Second District—Judge, George W. Connor, of Wilson; solicitor, R. G. Alshouse, of Tarboro; Washington, Martin, Edgecombe, Nash, Wilson, 16; total 29 weeks.

Third District—Judge, J. A. Daniel, of Goldsboro; solicitor, F. T. Danneberg, of Raleigh; Johnston, Wayne, 12; total 24 weeks.

Fourth District—Judge, H. E. Shaw, of Kinston; solicitor, H. E. Shaw, of Kinston; Lenoir, Greene, 5, Duplin, 19, Onslow, 7, Sampson 12; total 44 weeks.

Fifth District—Judge, Charles M. Cook, of Louisburg; solicitor, Herbert E. Norris, of Raleigh; Wake, 39, Franklin 19; total 49 weeks.

Sixth District—Judge, George Routledge, of Wilmington; solicitor, H. L. Lyon, of Whiteville; New Hanover, 29, Brunswick, 6, Columbus 11, Pender 6; total 46 weeks.

Seventh District—Judge, C. C. Lyon, of Elizabethtown; solicitor, N. A. Sinclair, of Fayetteville; Robeson, 27, Cumberland 14, Bladen 4, Hoke 4; total 45 weeks.

Eighth District—Judge, H. A. Foushee, of Durham; solicitor, M. G. Gattis, of Hillsboro; Alamance, 13, Orange 4, Durham 12, Person 4, Granville 7; total 29 weeks.

Ninth District—Judge, Henry P. Lane, of Mount Airy; solicitor, S. P. Graves, of Mount Airy; Yadon, 18, Rockingham 19, Caswell 3, total 40 weeks.

Tenth District—Judge, Thomas J. Shaw, of Greensboro; solicitor, J. C. Bower, of Lexington; Guilford 28, Davidson 9, Stokes 4; total 41 weeks.

Eleventh District—Judge, W. J. Adams, of Carthage; solicitor, A. M. Stacks, of Monroeville; Union 12, Anson 8, Scotland 4, Moore 6, Richmond 8, Stanly 6; total 46 weeks.

Twelfth District—Judge, J. C. Wilson, of Gastonia; solicitor, G. W. Wilson, of Gastonia; Mecklenburg 30, Gaston 10; total 40 weeks.

Thirteenth District—Judge, B. P. Long, of Statesville; solicitor, W. C. Hamner, of Asheville; Davie 4, Iredell 5, Randolph 5, Rowan 10, Cabarrus 8, Montgomery 7; total 42 weeks.

Fourteenth District—Judge, James L. Webb, of Shelby; solicitor, T. M. Newland, of Lenoir; Polk 4, Cleveland 8, Lincoln 3, Burke 10, Caldwell 19; total 44 weeks.

Fifteenth District—Judge, Frank A. Carr, of Asheville; solicitor, Robert H. Reynolds, of Asheville; Brunswick 22, Madison 8; total 40 weeks.

Sixteenth District—Judge, G. S. Ferguson, of Wadesboro; solicitor, Felix Alley, of Webster; Cherokee 8, Graham 4, Swain 5, Haywood 9, Jackson 4, Macon 4, Clay 2; total 29 weeks.

Seventeenth District—Judge, G. S. Ferguson, of Wadesboro; solicitor, Felix Alley, of Webster; Cherokee 8, Graham 4, Swain 5, Haywood 9, Jackson 4, Macon 4, Clay 2; total 29 weeks.

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