

### M'MULLAN ISSUES RULINGS ON LAWS

Digest Of Recent Opinions By Attorney-General Covers Many Subjects

A digest of informal opinions issued recently by Attorney-General Harry McMullan:

Under certain circumstances, boards of county commissioners have authority to hire out prisoners, but statute provisions must be complied with strictly. Authority to hire out prisoners must be authorized specifically in the judgement of the court.

The State of North Carolina does not recognize common-law marriages, and there is no way in which a common-law marriage can be consummated legally in North Carolina.

County commissioners have no authority to pay a salary or a per diem to members of county rationing or price administration boards, nor to make any allowances to such boards for traveling supplies, or other board expenses.

A constable has county-wide jurisdiction and may make an arrest in his county without a warrant to the same extent as any other officer is authorized to make such an arrest.

It is unlawful for a person to transport fortified wines in excess of one gallon unless the wine is in actual course of delivery to a county ABC store.

Under the constitutional prohibition against "double office holding," one person cannot hold the positions of judge of a recorder's court and United States commissioner at once.

Bonds required of peace officers appointed by the Governor should be made payable to the State of North Carolina.

When a witness is subpoenaed and appears in court, separate fees should be charged for the subpoena and the appearance.

A vacancy occurring in the General Assembly shall be filled by holding a special election with the writ of election to be issued by the Governor.

The State registrar of vital statistics is under no obligation to furnish certified copies of death certificates for members of the armed forces who have died in service or to furnish birth certificates for children of persons in military service without requiring payment of the regular fees provided by the consolidated statutes.

A municipal ordinance which imposes a privilege tax upon landlords engaged in renting space to agents or to itinerant salesmen for the display of merchandise not regularly carried in stock for retail trade is "discriminatory and violative of the equal-protection clause of the 14th Amendment to the United States Constitution."

The consolidated statutes provide for the election of three justices of the peace from each township at every general election for members of the General Assembly. If the township has only two candidates, one a Republican and one a Democrat, and both receive some votes, both are entitled to be certified as elected.

Although clerks of the superior court ordinarily are entitled to receive in advance their fees for the performance of any duty, the clerk should not require payment in advance for the recording of an order of the court signed by the judge of the superior court, as the minutes of the court would be incomplete without the order's being recorded. McMullan Issues Continued no. 2

The General Assembly may not validly enact a law giving the exclusive right to manufacture and sell a fertilizer to the person who has devised a formula for it; for the exclusive power to enact laws granting patent rights is given to Congress by the Federal Constitution.

County commissioners have full discretion to sell property acquired by purchase at a tax foreclosure sale. The commissioners should seek to obtain the best price possible for the prop-

Municipal corporations may sponsor and operate community projects such as nurseries, libraries, etc., which are financed on funds obtained from a grant from the Federal government under the Lanham Act. If no municipal debt is incurred and no taxes are levied, it is immaterial whether such projects are necessary expenses.

A corporation has no authority to pay dividends except out of surplus or net profits.

A widow's application for payment to her of a year's allowance out of the estate of her husband must be made within one year from the death of the husband.

A person under 21 years of age is not eligible to be a municipal policeman.

### TAXI MEN GET TOGETHER RATE TO BE LOWER

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made necessary because of shortage of gas and reduction of mileage allowed to taxis. Also mentioned was heavier load of work because of restriction on the use of private passenger cars, but it is understood that not all taxi drivers were in agreement with the up-scale and that several of them were not notified of the first meeting until a short time before it occurred.

Under the present solution, which may be temporary, rates begin at 20 cents for one passenger.

The Woods prepared statement reads:

"Following last week's announcement of an advance in Taxi rates especially affecting the users of Taxis at Longhurst, Ca-Vel, and other industrial sections, came the 'freeze' on the operation of private automobiles. The public's reaction to this increase in Taxi fares was in the attitude that the Taxi operators were taking unfair advantage of the public in increasing the fares especially at this time.

"Pursuant to these complaints from the public, City Manager Percy Bloxam and Chamber of Commerce Secretary W. Wallace Woods, asked that the Taxi operators meet with them and discuss different angles of this price increase, and how it affected the public. This meeting was held on Saturday afternoon, in the Police Court room at the City Hall, with practically every Taxi operator present.

"Some of the pertinent facts brought out in this meeting were as follows. (1) The Taxi operators contended that increased rates were necessary, due to a decrease in mileage allowance; the increased cost of operations, especially repair parts: some increase in gasoline and tires, and other necessary materials. (2) Also stated, was the fact that on many occasions, the Taxis had to operate with only one or two passengers for the entire distance to Longhurst or Ca-Vel when individuals would request individual Taxis to take them when one Taxi could serve the entire group with one trip, thus increasing the pay load and saving unnecessary operation of the extra Taxi.

"For the benefit of the War Program as a whole we think the public should endeavor to ride in groups in Taxis, as well as private vehicles thus saving on essential War materials such as gasoline, tires, etc., which are just as valuable if used in public transportation as in privately owned automobiles.

"After a full discussion of the different pros and cons concerning the increase rates Mr. Woods and Mr. Bloxam retired from the meeting to allow the Taxi operators to decide among themselves what should be done concerning the new rates.

Outcome of the meeting was that the Taxi companies would return to the old rates in effect before the increase, for the present at least, and they asked the cooperation of the public in trying to arrange to have several people ride in each Taxi on each call or trip. It was evident that the plans for this increase in rates were made some time in advance of the recent ruling on gasoline, and the increase rates

and the freeze on gasoline were coincidental. The Taxi operators further expressed their appreciation for the support given them by the public, and hope that they can continue to render valuable service to our community in the way of transportation."

### CITY COMMISSIONERS APPROVE ADDITIONAL

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missioner Thomas, the Saint Mark's Episcopal church and across to the Bruce Newell residence. Correction of this connection has been sought for the past 8 years.

City employed library clerk will be Mrs. Margaret Howard, at \$50 per month, from March through June. Mrs. Howard is the present WPA clerk. Mrs. A. B. Buchanan, now WPA driver clerk, will be retained on part time basis as library clerk for the bookmobile, her salary to come from County and State funds.

Miss Grafton's report to City Commissioners was as follows:

"Withdrawal of WPA, as of February 28, will affect the entire country and most important to citizens in Roxboro who are interested in the Person County Public Library is the coming effect of withdrawal of the library WPA staff.

"Work of the WPA staff of the library is largely for benefit of City of Roxboro residents and for this reason the problem of continuing the support of this staff is a City of Roxboro problem and not a Person County problem, despite the fact that County Bookmobile service is maintained.

"To meet this problem there is needed an increase of \$200, this sum to take care of minimum clerical salary at \$50 per month, March through June, to end of the fiscal year.

"So that you may see the importance of the library to Roxboro, we are presenting statistics of Roxboro use. Average months are used so that figures will not be loaded (high).

"934 Roxboro citizens are active library borrowers. This is 20 percent of Roxboro's population.

"Men 188, women 372, and children 374.

"You will see from the above table that service is not limited to 'women and children.' The true picture cannot be given for the men because some send their wives for the family literature. Of the 188 men it will be interesting to note some of the professions that are represented.

"These are namely: high school principal, state contractor, postmaster, post office clerks, bankers, insurance representatives, farmers, Chamber of Commerce officials, town officials, lawyers, ministers, teachers and State officials resident here. Galley One

"Use of the library in the City of Roxboro is growing, as can be shown by comparative figures: in 1942 total number of books circulated in the City was 5,774, against 2,077, in 1941. Breaking down these figures shows that 1942 circulation of books for adults was 632 in non-fiction, and 3,134 in fiction, against 117 in non-fiction in 1941, and 1,471 in fiction, for the previous year, 1941, while most remarkable growth has been in increased circulation of juveniles, 5,774 for

1942, against 2,077, in 1941. Similar parallels of increase may be cited for the County and its bookmobile, but problem under discussion is here confined to the City of Roxboro.

"One of the most appreciable increases in the City is the reading of non-fiction, 632, against 117, to which the answer is the new and different types of books being furnished under an expanded program. Result of new books for children speaks for itself, with its four hundred percent increase of circulation in the City of Roxboro.

"May we quote from President Roosevelt: Libraries are directly and immediately involved in the conflict which divides the world, and for two reasons: first, because they are essential to the functioning of a democratic society; second, because the contemporary conflict touches the integrity of scholarship, the freedom of mind, and even the survival of culture, and libraries are the great tools of scholarship, the great repositories of culture, and the great symbols of the freedom of the mind."

Commissioners present, in addition to Thomas and Hall, were George Cushwa and Lester Brooks. Also present were Mayor Winstead and City Manager Bloxam. Absent was Commissioner Gordon C. Hunter, who was in Concord for a Board of Trustees meeting of Jackson Training School.

### TWO NEGROES GO UP UNDER JUDGE DAWES

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months; Clyde T. Carr, 30, three charges, \$50 and costs, with license revoked 12 months for speeding, \$10 and costs for forcible trespassing, and judgement suspended with costs for resisting an officer; Caleb Royal, 27, Negro, possession for sale, \$15 and costs; Vincent Hughes, speeding, continued; Tom Terrell, 55, assault on female, suspended with costs; Jack Gilbert, 32, Negro, assault on female with deadly weapon, 12 months in jail, suspended on condition that he not molest his wife and that he pay fine of \$35 and costs.

Also, Ethel Odessa Carver, 24, charged with abandonment of children, warrant withdrawn by husband, Harry Carver, costs paid; James and Pete Black, Negroes 24 and 17 years of age, manufacturing whiskey, not guilty as to Pete, with 8 months in jail for James, suspended on payment of \$125 and costs; Charlie H. Newman, 18, Negro, speeding, \$10 and costs; Elbert Pettiford, 21, Ira Jay, 26, Luther and Joseph McCain, 48 and 24, all Negroes, assault with a deadly weapon, \$8 to a surgeon and costs for Pettiford, not guilty for Jay, \$10 and costs, each, for the two McCains.

Also, Jim Gregory, 45, resisting arrest, suspended; A. C. Tate, 60, mole contendere for assault with deadly weapon, \$10 and costs; Zeb Woods, 18, Negro, assault with deadly weapon, not guilty, and David Harris, Negro, 22, eight months in jail, for assault with deadly weapon.

### SUNBEAMS MEET

Monday afternoon at 4:00 o'clock the Sunbeams will meet with Janice and Greer Park at their home on South Lamar St.

### SERVICE GROUP GOES TO RALEIGH FOR SESSION

Teachers Have Material On Rationing Program. Meeting To Be Held Here

Mrs. L. Sanders McWhorter, Person chairman of the Community Service committee of the War Price and Rationing board, today said that plans are being made for a meeting to be held at the Court House, Roxboro, at which War Ration Book II will be discussed.

Date of the meeting, which will be in open forum form, will be announced soon. Speakers will include members of the Community Service committee and representatives from the War Price Rationing board. Members of both the committee and the board are spending today in Raleigh to attend a State-wide War Rationing book conference.

Now being distributed in Person County and Roxboro to public school teachers are handbooks and pamphlets designed to explain the hows and whys of rationing and the intricacies of the point system.

In addition to Mrs. McWhorter and Philip L. Thomas, the last named Person chairman of the War Price and Rationing Board, those from here who are in Raleigh for the conference are: Miss Virginia Brandon, Mrs. John Harkey and Miss Irene Jones, of the Board, Flem D. Long and J. C. (Bill) Walker, as interested citizens, and R. B. Griffin, one of several members of the Community Service committee.

Miss Jones was recently appointed as Rationing Board and War Price clerk.

Private Irving W. Clayton has returned to Camp Sibert, Ala. after a short visit with his parents, Mr. and Mrs. Charlie Clayton.

BUY BONDS TODAY!

SUNNYFIELD CORN

Flakes 11-oz Pkg. 8c

SUNNYFIELD ROLLED

OATS 20-oz Pkg. 9c

REGULAR OR QUICK COOKING DATED ENRICHED

Mavel Bread Large 1 1/2-lb Loaf 11c

SUNNYFIELD FLOUR FOR

Pancakes 4 20-oz Pkgs. 25c

ANN PAGE BLENDED

SYRUP 12-oz Bott. 19c

SUNNYFIELD ENRICHED

FLOUR 12 lb bg 51c

Nice Selection of Fresh Fruits and VEGETABLES

Open as Usual

Bargains as Usual

Business as Usual

During Repairs To Our Store

Come In And SAVE MONEY

Young Mercantile Company

Main St. Roxboro, N. C.

HAPPY NEW YEAR

As the New Year gets off to a Good Start we want to Tell You

How Much We Appreciate The Business That You Gave Us Last Year. This Year May Find Us Short of a Few Things That You Could Ordinarily Get But We Are Going to Do Our Best to Keep You Supplied With The Things That You Will Need.

1943 FOR VICTORY

Pittard Furniture Store

DEPOT STREET.