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THE CHARLOTTE NEWS

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Livest Newspaper In The Carolinas

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THOUSANDS OF MINERS QUIT PITS

City To Seek Removal Of State Tax Restrictions

Divorce

Standard Laws Would Help In Reducing Divorce Rate

(The second of three articles on divorce in Mecklenburg County).

By BURKE DAVIS
Charlotte News Special Writer

MARRIAGE and divorce in the Carolinas is greatly complicated by mismated laws of the two states. Since South Carolina makes it easy to get married, thousands of Tar Heels hasten there to get the knot tied—many of them while under the influence of liquor. And since North Carolina makes it a good deal easier to be divorced, thousands of South Carolinians come here, establish residence, and dissolve the bonds of matrimony. It's a crazy system, and it contributes to the growing divorce rate in Mecklenburg and other counties in two ways—for many of the local divorces are simply unhappy endings to marriage by Mecklenburgers who fled to South Carolina.

BURKE DAVIS

The North Carolina divorce laws are fairly simple, but even those are shot through with inconsistencies. There is disagreement on them from the bench. For example, any person seeking a divorce on grounds of separation must file a separation agreement. Notice may be served on the mate in one of three ways: he may accept service himself, have the sheriff serve it upon him, or be notified through newspaper ads if he is out of the city. It is common for these people to accept service of the paper themselves, since they usually know the plans of their spouse anyway. But one judge in Mecklenburg has refused to grant a divorce on presentation of such papers, saying that the husband's acceptance of the notice was evidence of collusion—which is strictly against the law.

A lawyer, confronted with this decision, simply took the case to another judge, sitting at the other end of the courthouse, and got quick action. "Collusion, hell!" said the second judge.

There are no precedents as to what collusion means in North Carolina—or precious few, at any rate. Until this is cleared up hundreds of divorces obtained during the war, when the husband was overseas and was forced to accept service of separation notice, will be in danger. And complications involving legitimacy of children may arise. And if the Supreme Court finds no occasion to define collusion, the Legislature should do so, many lawyers believe.

Nor is that technicality the only danger awaiting the unitiated in the tangle of divorce laws. North Carolina courts have already shown their unwillingness to accept Reno divorces as legal, unless it can be shown that the couple actually established bona fide legal residence in Nevada. People who have been skipping down to Georgia and Florida for quicker, easier divorces are taking the chance that these may be declared illegal back at home.

The grounds for divorce in the state are, by comparison, good and simple ones, but there is more behind them than meets the eye. A limited divorce (which does not permit remarriage of either party) may be had, for instance, on grounds of cruel or barbarous treatment. But the courts have ruled variously in the past. By precedent, a wife could obtain a divorce here if her husband whipped her, but would be refused if he had given her a venereal disease. Under the heading of "offering such indignities to the person as to render the condition intolerable" divorces have been granted in the state, and approved by the Supreme Court, because: a drunken husband cursed his wife and drove her from the home, a husband continually charged a virtuous wife with adultery and abandoned her bed, a husband publicly declared that he was not the father of his wife's child.

FOR an absolute divorce, adultery is one of the grounds. And the courts have ruled that the plaintiff need not prove his or her own innocence of adultery. On grounds of pre-marital pregnancy, divorce may be obtained if the husband was in ignorance of his bride's pregnancy—and he is accepted as a competent witness in this matter. On the other hand, the courts have refused to accept this ground in cases of illicit intercourse or incest.

Even on the grounds of separation, there are more technicalities. The State requires two years of separation (not simply living apart), and this may be involuntary separation, if it comes as the result of a criminal act. That is, a husband sent to the penitentiary for a crime may be faced with suit for divorce after two years. Courts have ruled that separation as a result of insanity is not sufficient grounds for divorce in North Carolina.

In most instances the plaintiff must swear that the cause for divorce has existed for six months (though the wife is not forced to swear to that to collect alimony). But in the case of a crime against nature, covering a variety of illicit sex relationships, there is no six-months waiting period; the complaint may be filed immediately.

Many lawyers say that, though the law itself cannot halt the rising tide of divorce in Mecklenburg and elsewhere, a clarification of North Carolina laws and—better still—a standardization of all state laws, would help a great deal. Several leading local lawyers who have given much time to study of the divorce laws, and the so-called "divorce mill" in Charlotte, testify that the root of the troube is usually the man. Many of them blandly admit that they are guilty. And that goes not only for adultery.

Some lawyers say that hundreds of women applying for divorce don't seem to be greatly concerned about the fidelity of their husbands. They seem to expect a certain amount of "running around." Most of the complaints are economic. The typical wife seems to feel a thin budget more keenly than outright infidelity.

Even with Mecklenburg's zooming divorce rate (due almost entirely to liquor marriages in South Carolina, apparently) we are well off. In other states, with easier, vaguer grounds for divorce, anything can happen. Recently a woman in California applied for a divorce on the ground that her husband had rheumatism. A six-foot-two, 240-pound man who looked like a prize fighter asked a divorce on the ground of cruelty. The court, curious to see what manner of woman could whip such a man, called for the wife. She was nineteen years old, weighed 74 pounds. But he got his divorce anyway.

Here is a partial list of some of the unique laws in effect:

ARIZONA and North Dakota do not recognize any children as illegitimate, declaring them to be the legitimate children of their natural parents. Maryland prescribes the whipping post for wife-beating. Nebraska and New Hampshire permit an insane epileptic to marry if he has been sterilized. New Mexico recognizes the "unwritten law", allowing a man to kill his wife's lover if caught in the act of adultery. California declares the children of a wife cohabiting with her husband, if he is not impotent, to be legitimate. This law, if enforced, would make a mulatto child of white parents legitimate.

In the maze of lax, conflicting and indifferently administered laws on marriage and divorce a national scandal grows each year, and attack the sanctity of marriage. The marital troubles we see in Mecklenburg, though they are in keeping with the divorce rates of other parts of the country, seem almost trifling by comparison.

(The final article in this series will appear in Wednesday's News).

WHO SAID COAL?—President Truman, diked out in typical Florida attire, yatching cap and all, looks over the Navy base at Key West, Fla., with Read Admiral C. W. Styer. At the moment, the President doesn't seem too concerned over the coal situation in this port where coal bills are merely something you read about. (NEA Telephoto).

Junior College, Too

Seminary Urged At Wake Forest

ASHEVILLE—(AP)—A proposal that the plant of Wake Forest College be used for a Southern Baptist seminary and a combined Baptist Junior College center for eastern North Carolina held the attention this afternoon of 780 messengers from 300 churches on the opening day of the 116th annual session North Carolina Baptist state convention here.

The college plans to move from Wake Forest to Winston-Salem under a $10,750,000 grant from the Z. Smith Reynolds Foundation.

M. A. Huggins of High Point, presenting the report of the General Board this morning, said the convention may have to begin review of many Baptist institutions in the light of the contemplated move.

Huggins was re-elected general secretary and treasurer of the convention. Also re-elected were L. L. Morgan, statistical secretary, and Charles B. Deane, recording secretary, both of Raleigh.

A report by the Committee on Social Service and Civic Righteousness, which includes recommendations on race relations, also may come up today, it was indicated. The committee is headed by the Rev. Louis S. Gaines of Lexington.

Dr. Casper C. Warren, pastor of the First Baptist Church of Charlotte and president of the Convention, is presiding at the three-day session.

BUSINESS DOCKETED

Business to be considered at the convention includes:

1. Disposal of the present plant of Wake Forest College and acceptance of an offer of a 300-acre tract at Reynilda, near Winston-Salem. At the last session of the convention in Greensboro last July, it voted to accept an offer of the $10,750,000 Z. Smith Reynolds estate to assign the college in perpetuity the income from the fund thereof—up to $350,000 annually—provided the college is moved to Winston-Salem.

(In Fayetteville yesterday, a contract was signed by John A. Oates, president of the board of trustees of Wake Forest, and E. B. Earnshaw, secretary of the board, whereby the college will receive the annual income from the huge fund.)

The contract had been signed previously by representatives of the foundation and ratified by the board of trustees of the college.)

2. Amendment to the Constitution and by-laws of the Convention.

3. The expanding need of convention support of Christian education as promoted in and through Baptist colleges.

Teachers Map Fight

By FRECK SPROLES
Charlotte News Staff Writer

Forces for and against the 20 per cent pay raise plans for teachers in North Carolina will be in session this week, making plans for action.

Members of the steering committee for the group of educators fighting for a bigger increase met here today to plan future meetings and strategic moves, and meetings of the boards of directors of the North Carolina Education Association and the United Forces of Education have been called for Friday.

The members of the board of NCEA have been notified that a call meeting is to be held at the state headquarters in Raleigh on Friday at 2 P. M. Miss Margery Alexander of the Plaza Road School here, only director to vote against the 20 per cent plan when it was first presented, said today that she didn't know anything about the meeting except that she had been

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Tennesseans Get Good News

Son Missing 2 Years Found In New Guinea

HILLSBORO, Tenn.—(AP)—Almost stunned by the good news, the parents of J. B. Stubblefield, American soldier reported found in the New Guinea jungle after being missing two years, came to this little Coffee County town today to hear from the Associated Press the story of the discovery of their son.

J. B. Stubblefield Sr., 52, and his wife, 49, had "about given up hope that J. B. would ever be found."

"It's just like he was coming back from the dead," said Mr. Stubblefield, who reported that his wife could only murmur, "Thank God, thank God."

The Stubblefields, who live on a farm about four miles from Hillsboro, were aroused from sleep in the early morning hours by a messenger sent by Mrs. Isom Pitts, chief telephone operator at Hillsboro who had volunteered to contact them after the Associated Press called her last night.

Like his father, the younger Stubblefield was a farmer before he entered the Army Air Forces back in January, 1942, and the elder Stubblefield said today that his farm training "must have helped him survive over two years in those terrible jungles."

Young Stubblefield, now 28, was born in Coffee County and was educated there, going to school and helping his parents on the farm. He received his Army training at Biloxi, Miss., and went overseas, first to Australia and then to New Guinea, early in 1943, soon after entering the service, his father said.

"We hadn't heard from him since June, 1944," the father said, adding that they were notified their son was missing in July, 1944, and since then had heard no official word from him, but that returning comrades from his unit had told them there was little hope for "J. B.'s" survival.

U. S. Navy Offers Subs For Sale

PHILADELPHIA —(AP)— If you're interested in buying a submarine, the Navy Department invites you to the Philadelphia Naval Base today for a public sale of two U. S. subs.

Information Gathered By Tax Office

Simplification Of Code To Be Asked

Of the 305 classifications in the City Revenue Ordinance, 35 are fully exempted and 107 others are limited in local license assessments by acts of the State Legislature.

An analysis has just been completed by assistants of the City Tax Collection Office of the license payments in the year 1945-46 and today Campbell W. Ansley, city tax collector, announced that 35 classifications of business and professions are totally exempted by legislative enactment from paying any local privilege license.

In addition 107 others are limited as to the amount the City Government can assess them for doing business in Charlotte.

The survey further shows that 1945-46 privilege licenses were paid by 28 firms classified as retail merchants, 25 as wholesale merchants, 46 as manufacturers, and 64 as special.

Recently Mr. Ansley called attention to the restrictions and limitations on the City Council's license levying authority and pointed out that these exemptions and limitations seriously affect any desired changes for simplification of classifications.

An effort is to be made to bring about some simplification and perhaps removal of some, if not all, restrictions and the information collected by the office will be turned over to City Manager Henry A. Yancey this week.

Mr. Yancey, Councilman Fred H. McIntyre, and City Attorney John D. Shaw have been named as a committee to prepare a legislative program which will be submitted for the approval of the local delegation in the 1947 session of the General Assembly.

INTEREST SHOWN

Mr. Ansley said that local merchants have shown interest in the proposed simplification and are anxious to bring about legislative changes because many of the restrictions by the state throw extra accounting and bookkeeping burdens on them.

There are indications that local merchants will seek to interest the state merchants organization in sponsoring certain reforms in the

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Wholesale Butter Prices Go Up

CHICAGO.—(AP) — Butter prices soared as much as three cents a pound wholesale today as quoted by the Chicago Mercantile Exchange.

The top grade 93 score AA rose to 87.5 cents a pound from 84.75 yesterday while the lower grade 89 C score hit 81, up three cents from the previous and the highest in a month.

Since the recent lowest point of 76 cents a pound for 93 score AA on Oct. 31 when buyer resistance reportedly was at its toughest, the price has made a steady increase of 11.5 cents a pound and now stands within a cent of the recent record of 88.5 set Oct. 10.

Under OPA price ceilings the top grade was 56 cents a pound and there was a Government subsidy of 15 cents a pound.

Jail Threatened

Lewis Maintains Cold Silence On Strike Injunction

WASHINGTON — (AP) — Thousands more soft coal miners walked out today while their chief, John L. Lewis, maintained a stony silence on a Federal court order aimed at averting an industry-wide shutdown Wednesday midnight.

The Solid Fuels Administration reported that 272 mines employing more than 78,000 miners — one-sixth of the nation's total — had shut as the result of the wage contract dispute.

At that time, Lewis had less than 36 hours to comply with the court's order calling for continued coal production. Any alternative might be contempt of court, which carries with it the risk of landing in jail.

Vacationing in Key West, Fla., President Truman kept in touch with the crisis and emphasized that he is determined to "fight this one to a finish," as an aide expressed it.

Asked if troops might be sent to the mines, Presidential Secretary Charles G. Ross replied: "I don't know."

Ross said, however, that "the President is aware of everything that is being done, and everything that is being done is in accordance with his instructions."

Ross disclosed that Mr. Truman specifically instructed Secretary of Interior J. A.

See LEWIS SILENT on page 7-A

Action Slated

Consolidation Plan Up Before Council

Support of the City Council in the proposal to launch a survey to determine the feasibility of consolidating functions of the City and County Governments appeared certain today on the eve of the weekly Council session.

Mayor Baxter announced that he would present to the Council this afternoon the request of the County Government that the City join the County in obtaining a survey of the governments by the University of North Carolina's Institute of Government.

At its meeting yesterday the Board of County Commissioners formally went on record approving the survey and requesting the City Government to join in the enterprise.

MAJORITY APPROVES

A majority of the members of the Council, queried today by The News, indicated their willingness to proceed with a survey. All took the position that such a survey is the first logical step in any plans for consolidation and that it is first necessary to secure the facts which such a survey would produce.

Mr. Baxter said he would submit the County's request to the members of the Council at their informal session where the subject could be thoroughly discussed. Since the matter is not listed on the agenda of the day's session, it will require unanimous consent for any formal action at the public session.

This may be forthcoming after the proposal has been informally discussed at the pre-session conference.

Arrives In U. S.

Woods Denies Bungling Nazi Hanging Job

NEW YORK —(AP)— Sgt. John C. Woods, the little 35-year-old official Army hangman who dispatched the ten Nazi chieftains at Nuernberg, came home today from Europe and denied these reports: One, that he would quit his job as hangman, and two, that his professional technique had not been good in hanging the Nazis.

Woods, who arrived on the SS St. Albans Victory from Bremerhaven with 1,428 troops, told shipboard interviewers:

"I resent the criticisms I have heard about my hanging the Nazis. All of their necks were broken immedidately but some of their hearts kept beating.

"I deny that I had to rehang any of them. If there is anybody who can take a rope and hang ten men in a little over an hour's time, he must have done a good job."

The sergeant, who stands five feet three and a half inches tall, smiled and added:

"Hanging is awful hard work. It's hard on your nerves and it wears you out. It's time for me to quit but I won't."

Typhoon Claims 207 On Negros

MANILA —(AP)— The town of Isabela reported today 207 confirmed deaths in the typhoon and flood which swept Negros Island a week ago. Loss of life was said to be heavier in other towns in the area.

Three of 11 persons swept from a sailboat by the typhoon arrived in Manila aboard a motorship. The others were believed lost in the raging seas.

Progress On Trieste Made

NEW YORK — (AP) — Spurred by Russian concessions, the great power Foreign Ministers scored major progress today in breaking their long peace-treaty deadlock on control of Trieste.

But they evidently were headed for trouble over proposals to restrict voluntarily the use of the veto in the United Nations Security Council.

A series of swift moving developments yesterday and last night brought the brightest prospects yet for early and final agreement on the Italian and other former German satelite peace treaties, but simultaneously dimmed the outlook for any substantial agreements by Russia on the veto issue.

The main developments were these:

1. In a Big Four meeting last night (America, Britain, Russia and France) Soviet Foreign Minister Molotov finally yielded to American-British insistence that the proposed free territory of Trieste should be under a United Nations governor armed with strong powers to protect its independence.

2. In an earlier Big Five meeting (the Big Four plus China) Molotov, after some objection, agreed to consider proposals for voluntarily restricting use of the veto and to discuss them in future Big Five meetings.

DEBATE SIDETRACKED

3. At Lake Success, L. I., a committee of the U.N. Assembly indirectly approved this procedure by voting 38 to 6 to sidetrack its own veto debate until the Foreign Ministers had time to act. However, a Soviet spokesman told the committee his Government was flatly opposed to any changes in the veto system and objected to all assembly proposals aimed at modifying it.

4. Diplomatic authorities interpreted this as meaning that Molotov probably would reject all Big Five suggestions for voluntarily restricting use of the veto, although he might go along with some British, American and Chinese recommendations aimed not so much at the veto as at speeding up the

Hawaiian Sugar Strike Over

HONOLULU—(AP)—ILWU workers on Hawaiian sugar plantations will resume work today, CIO union officials announced, ending a strike that began Sept. 1.

Louis Goldblatt, negotiator for the International Longshoremen's and Warehousemen's Union, said 14,269 members on 30 plantations voted to accept an agreement signed by the Hawaiian Sugar Planters Association last week. He said only 1,035 voted against it. Votes from three other plantations had yet to be counted.

More than 25,000 strikers won wage boosts and an allowance for housing and medical care.

More Than 78,000 Idle As Walkouts Spread Fast

Coal Production In Sharp Drop

PITTSBURGH — (AP) — More thousands of miners left the pits today in scattered work stoppages which began yesterday in the soft coal fields.

More than 78,000 men were reported out today in contrast with 38,000 yesterday.

The stoppages spread despite a Federal Court order issued in Washington against a strike.

BOX SCORE

The score of idle miners in the large producing states stood: Alabmaa, 16,000; Illinois, 17,000; Pennsylvania, 10,000; West Virginia, 14,200; Virginia, 1,600; Kentucky, 13,000; Indiana, 4,700; and Ohio, 2,500.

Sam Caddy, president of the UMW's District 30, in estimating Kentucky's idle at 13,000 compared with only 3,000 yesterday, reported the walkouts apparently sprang from the movement in other mining areas. He added:

"They know the move is on."

Most of those who left their jobs this morning were in Alabama, where 16,000 of the state's [illegible] miners were idle, suspending [illegible] out of [illegible] Alabama mines. Yesterday only [illegible] stopped work in [illegible]

As in the case of idleness at pits in several other states, there was no formal reason given by the union or the operators in Alabama for the walkouts.

The Alabama shutdown reduced the Southern state's coal production to 20 per cent of normal. Only one small captive mine, out of fifteen which supply fuel for iron and steel making at Birmingham, was in operation. Industrial spokesmen there predicted curtailment of iron and steel making would start by the end of the week.

One UMW official in southern Illinois asserted that "the miners don't work under injunction." He was referring to yesterday's no-strike court order in Washington.

Only a few additional hundreds of miners joined the walkout in Pennsylvania today, but operators' associations in West Virginia reported several thousand more idle than yesterday in that state, biggest producer of soft coal.

The Solid Fuels Administration estimated coal production in the Pittsburgh area would be reduced by at least 45,000 tons from the daily 300,000-ton average. Twenty-one Pennsylvania mines were idle. Operators in West Virginia reported about 60 pits closed, involving 14,200 of the State's 102,000 miners.

RAIL WORKERS MADE IDLE

The Norfolk & Western Railroad announced at Williamson, W. Va., that crews of shifting engines which move loaded coal cars to the main lines have been laid off. There was no estimate of the number of railroad workers made idle.

The Solid Fuels Administration reported sixteen mines idle in Indiana with 4,700 of the State's 8,000 miners idle. Yesterday, only 650 were idle in Indiana. Illinois operators reported 2,000 more idle today with a total of 17,000 men out.

The movement spread today to an eighth state, Ohio, where operators reported 2,500 out of 3,500 miners in the Hocking Valley idle.

Some unionists predicted a complete shutdown would occur Thursday if the miners follow their traditional "no contract no work" contention.

It appeared that the miners would stand back of their leader, John L. Lewis.

James Caspar, a track layer, at the Westland, Pa., mine, summed up the miners' reaction to the strike injunction with:

"They can't do anything to a man for not coming to work when he doesn't want to. Not in this country, they can't."

A spokesman for the big 1,300-

See MORE MINERS on page 7-A

WEATHER

Fair this afternoon and tonight; Wednesday slightly warmer. Lowest temperature expected tonight 38.

Temperature at 2:30 today ...... [illegible]
High and low last 24 hours ...... [illegible]
Sunset today ...... [illegible]
Sunrise tomorrow ...... [illegible]