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HOUSE APPROVES OPA BILL

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CHINESE RECAPTURE LIUCHOW

A News Study

Superior Court Bogged Down By Own Inefficiency

By PETE McKNIGHT
News Editor, The News

FEATURE

BACK in the June 11 term of Superior Court, an embezzlement case was nolprossed by Solicitor John Carpenter. It was just one of 98 old cases which Mr. Carpenter swept off the docket in his annual housecleaning—cases which had been hanging on for three or four years without being tried. A warrant was issued against this defendant in November, 1942. He was arrested and given a preliminary hearing in County Recorder's Court in January of 1943 and bound over to Superior Court under a $200 bond signed by a professional bondsman. No cash was put up to guarantee his appearance in court. The Grand Jury immediately returned a true bill of indictment against this defendant, and at a term of court in that same month his name was called out.

He was not present. The judge ordered a capias issued (an order to the sheriff to bring the defendant into court.) But there is no record anywhere of the capias—whether it was issued, whether it was served, whether it was returned to the court. Again in September, 1943, the defendant's name was called out. Once again he failed to answer. A ni-sci sci-fa (order for the bondsman to appear in 30 days and show cause why the bond should not be forfeited) was issued, as was another capias. There is no record of whether the ni-sci sci-fa or the capias was issued, served, or returned to court. No further record appears in the case until the June term of this year when it was nolprossed. The defendant, so far as the records show, never appeared in court at all, and his bondsman never paid over the $200. Now the case has been marked closed.

Typical of the Nolleprosses

This case, chosen at random from the 98, is typical of Mr. Carpenter's nolleprosses which represent the lowest stage in the decline of the State court system in North Carolina, and more particularly in Mecklenburg County. This week the Mecklenburg County Grand Jury, which has pretty broad legal powers but rarely uses them, turned its inspection on Superior Court and found it wanting. The Jury, noting that many offenders, particularly persons accused of driving drunk, get off scot free by continuances, delays, nolleprosses or what not, asked for speedier and more certain justice. In somewhat of a flank attack on Mr. Carpenter, it suggested that a separate solicitorial district would cure many of the troubles of the court.

The Jury couldn't have picked a better target, for everybody who knows anything at all about Superior Court knows that it is an inefficient, poorly run organization which, instead of being a temple of justice is a haven for lawbreakers. In many aspects the court is a farce, and it is no credit to the people of Mecklenburg County that it continues to be so.

Dapper Solicitor John Carpenter, whose sartorial elegance is as widely heralded as his big heart, has shouldered most of the blame through the years. He deserves a good deal of it, but not all. There are many factors which operate together to break down the efficiency of Superior Court. All of them are important, and taken together they create the confusion which makes it possible for the John Carpenters of the state to continue operations.

If past experience is any indication, the Grand Jury's recommendations will be put down on the court records and promptly forgotten. While they are still fresh let's take a look at some of these factors.

1. The Presiding Judge

Here is the man who holds complete sway in the courtroom. The solicitor, the defense attorneys, witnesses, jury, deputies, audience—all obey his will. The judge can establish and maintain orderly procedure in the courtroom if he chooses. But North Carolina Superior Court judges work on a rotation system, itinerant dispensers of justice who are here today and gone tomorrow. After serving six months here, a judge may wheelhorse for six years. As a result, no one judge has any sense of responsibility for the condition of Mecklenburg Court.

Another result of this rotation is that the judge does not recognize old and habitual offenders, unless the solicitor and police officers are diligent in bringing past offenses to his attention. Thus many a repeater escapes the more severe punishment he ordinarily would receive.

It would probably help if State judges were appointed for life terms, as in the Federal Courts and salaries considerable higher than their present figure a year, would lure the best men for the job. If election-by-the-people is to be the rule, it might help if the judge stuck to one district instead of roaming all over the state. The court then would become his personal responsibility. There is the danger, however, that staying in home districts would invite laxity and favor in law-breakers.

2. The Solicitor

Since the judges as a rule don't feel responsibility for courtroom procedure, it generally falls to the prosecuting attorney to run the court as he sees fit. He's much like the fellow who holds the strings at a puppet show. He pulls them, people jump around jingly. Chief fault of our prosecutor, John Carpenter, is his reluctance to use his power. Undoubtedly, Mr. Carpenter's helping hand has at times been more effective in curing criminals than harsh punishment would have been, but these are the exceptions, not the rule.

Righteousness is an admirable trait, but Mr. Carpenter's duties under his mandate from the people are clear; to use every speck of evidence in his possession to uphold the laws of this State and bring lawbreakers to justice. His own generosity should not cloud his sense of duty.

But even if Mr. Carpenter was of a mind to bear down and do a workmanlike job, he would be unable under present circumstances to do so. The joint Mecklenburg - Gaston district which elects him is simply too large for one solicitor. There are entirely too many cases coming up from the lower courts for any one man to investigate, examine all evidence, interview witnesses and prosecute. Mecklenburg has dire need of a separate solicitorial district, but its efforts to obtain one have come to grief repeatedly in the past. One reason is that there has been no real demand from this county.

There are good arguments for the appointment of a solicitor rather than his election, and he certainly ought to draw more than $8,000 a year if he's to be enticed from the top ranks of the legal profession. Finally, if solicitors operated under the supervision of a strong State Department of Justice, as Federal district attorneys do, they would have to toe the line.

3. Court Terms

Mecklenburg suffers from an unequal distribution of court terms. In the twelve months from July, 1944, and August, 1944, through May, 1945, this county had fifteen terms of criminal court, totaling 24 weeks. This would be almost enough if they were better spaced. But they come too rapidly in the Summer and too infrequently during the other nine months of the year. In June, there were six terms, totaling ten weeks; from September through May there were nine terms, totaling fourteen weeks. Obviously this is a bad balance. It is largely due to an old law which favors the lawyers who practice in civil courts.

In the Winter the jail fills up between terms and the docket quickly becomes unmanageable. Generally there are one or two important cases which take much time. After they are out of the way the jail cases are disposed of so that the jail may be emptied of prisoners. The other cases, as a rule, are continued because there's no time left to try them. By the time the next term rolls around, the docket is in worse shape than ever and it grows correspondingly more unwieldly as the Winter goes on.

Along comes June and Mr. Carpenter solves the problem. In a thorough housecleaning, he trims the docket by the simple process of nolprossing scores of old cases. In the June 11 term

GROUND FORCE CHIEF—Gen. Jacob L. Devers (above), who will succeed Gen. Joseph W. Stilwell as commander of the Army Ground Forces, Devers commanded the Sixth Army Group in the war against Germany. Stilwell has been named commander of the Tenth Army on Okinawa.

Former U. S. Base Taken From Japs

Center Of City Is Recaptured

CHUNGKING — (AP) — The Chinese High Command announced today that Chinese troops recaptured Liuchow, former U. S. Fourteenth Air Force base, at midnight last night.

The recapture of the strategic Kwangsi Province junction city came after bitter fighting through its suburbs. The center of the city, in flames for a week or more, was destroyed, the Chinese said.

The announcement followed an earlier official denial of what was termed a premature report that the city had been retaken.

The Japanese had been in control of vital Liuchow since last November when the U. S. 14th Air Force abandoned the base.

KWEILIN MENACED

Kweilin, more than 100 miles to the northeast of Liuchow, which also was among the bases abandoned by the 14th Air Force at that time, now is directly threatened by other Chinese forces, who last were reported within ten miles of the city.

A Chinese Army spokesman said a Chinese army was being pushed down from the north and northwest within ten to eighteen miles of the city.

The Liuchow airfield in the southern suburbs was retaken by the Chinese on Wednesday in heavy fighting, while the center of the city itself was in flames.

Recapture of Liuchow, where the Japanese fought a rearguard action with only a handful of troops while their main forces moved toward Kweilin, ended the first phase of Japan's redeployment strategy in China, which began with the abandonment of Yungning (Nanning), relinquishment of their trans-continental connection and isolation of an estimated 200,000 troops in southern Asia.

CORRIDOR GAP

The gap in the ruptured corridor extended from Liuchow to the suburbs of Japanese-held Pingsiang, 11 miles from the Indo-China frontier—a total airline distance of 225 miles.

With the recapitulation of Liuchow, delayed by rearguard resistance by about 1,000 enemy troops, the Kweichow - Kwangsi railroad became the first rail line in China partly or totally held by the enemy to revert entirely to Chinese control. Repairs, of course, will be necessary.

Occupation Zones Fixed

PARIS — (AP) — Supreme Headquarters announced today that final agreement had been reached on German occupation zones.

Readjustment of the zones between the Russian Army and the Allied expeditionary forces will begin tomorrow, the announcement said.

The readjustment is expected to be completed by Wednesday, so that Russian troops by then will have moved into the section from which British and American forces withdraw.

Attack Feared In North Japan

SAN FRANCISCO—(AP)—Japan's army defense reorganization shifted today to Northern Japan, newest direction from which Tokyo has been anticipating an invasion.

Gen Keisuke Faile was named commander of the Tohoku Army district of Northern Honsun Island, Tokyo radio announced shortly after reporting ten Superfortress mined water bordering the district. Three new army districts have been created this week on Honshu, Japan's "Mainland."

Another Tokyo Broadcast recorded by the Federal Communications Commission reported the Cabinet had ordered "top priorities" for factories connected with the explosives industry in an effort to increase production.

Victory For Churchill In Election Predicted

LONDON — (AP) — In the first published forecast of Britain's general elections of July 5, Lord Beaverbrook's Evening Standard predicted today a Conservative victory which would give Prime Minister Churchill the support of a "comfortable majority" in Parliament.

The newspaper said the forecast was based on reports from its election experts throughout the United Kingdom.

Say 150 Persons Walled Up Alive In North Italy

ROME — (AP) — A Milan dispatch said today 150 persons had been walled up alive in a hotel in cellars of the Royal Palace at Monza shortly before the liberation of northern Italy.

The dispatch quoted the Giornale Lombardo, Allied Military Government newspaper, as saying that victims were tied in sacks and buried in previously prepared niches.

Allied authorities also were reported to be dragging a lake near the villa for bodies of persons believed to have been thrown in the water with stones about their necks.

Invasion Preparation

Tokyo Reports Fleet Shelling Borneo City

By SPENCER DAVIS

MANILA—(AP) An Allied fleet of 50 ships pounded Borneo's oil refining city of Balikpapan all day yesterday and poured more shells into there defenses today in preparation for an "important landing," the Tokyo radio reported today.

The enemy account said Allied mine sweepers were clearing waters off shore, braving the fire of Japanese shore batteries, which Domei agency described as "heavy."

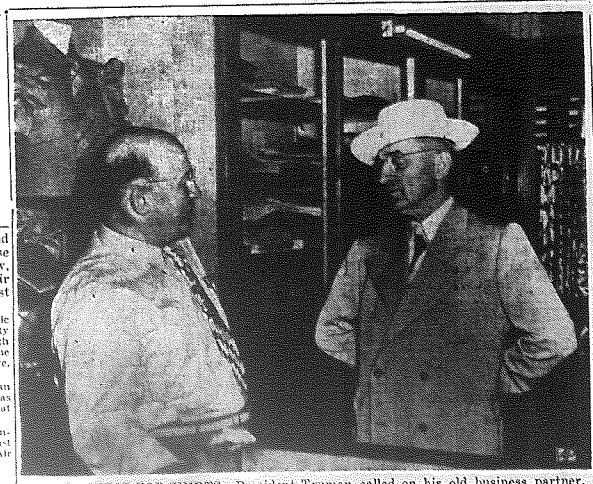
The Japanese said other small Allied craft, moving in under cover of the "furious bombardments," had neared the shore for "close range reconnaissance."

The broadcast was uncontirmed bombardment of the oil-rich eastern Borneo coast.

MacArthur said light naval units raided shore targets on Borneo, south of Tarakan Islands at night after combined Fifth, 13th and RAAF attacks Thursday dumped 281 tons of bombs on Balikpapan's warehouse district. The total bomb load dropped in the past two days is more than 2,500 tons.

The steady red glow of mounting flames at Balikpapan undoubtedly is not due entirely to attacks, however. The enemy doubtless has been sabotaging oil wells there as he did at Seria and Miri, North Borneo petroleum centers, where Australian salvage crews already are at work.

Australians now hold 125 miles



HUNTING FOR SHIRTS—President Truman called on his old business partner, Edward Jacobson (left) clothing store operator in Kansas City, only to find that Jacobson didn't have a single shirt his size. Word of the President's plight got around, however, and he's received three dozen shirts of his size from store owners and individuals.

Challenge Met

Rubber Strikers Facing Induction

COLUMBUS, Ohio — (AP) — Gov. Frank J. Lausche today directed the Ohio Selective Service to proceed immediately with the induction into the armed forces of striking Goodyear workers at Akron.

The Governor informed Col. C. W. Goble, State Selective Service Director, that when men were "bleeding and dying for the protection of our freedom," it was "a grave wrong to allow deferred civilian war workers to brazenly challenge and defy the request of the Army, the Navy and the Government."

Lausche also asserted "the leaders of this unwarranted defiance ought to be dealt with promptly and vigorously."

The text of the Governor's statement:

"In accordance with the request made by Stabilization Director William H. Davis I have issued instructions to Col. C. W. Goble, director of Selective Service for the state of Ohio, to provide immediately with the induction into the armed forces of those men who are now deferred from military service because they are engaged in civilian production but are now striking at time refusing to comply with the Government's order to return to their war jobs.

"We are in a war men are bleeding and dying for the protection of our freedom. Under these circumstances it is a grave wrong to allow deferred civilian war workers to brazenly challenge and defy the request of the Army, the Navy and the Government. The leaders of the unwarranted defiance ought to be dealt with promptly and vigorously.

"I have informed Colonel Goble that when men were deferred from military service because they are engaged in civilian production but are now striking at time refusing to comply with the Government's order to return to their war jobs

See INDUCTION on Page 8

Four Taken Into Cabinet

WASHINGTON — (AP) — Truman appointees moved into the Cabinet in force today, taking over the Agriculture, Labor, Justice and Post Office Departments.

With selection of a new Secretary of State, expected Monday, the new President will have half the Cabinet composed of men of his own choosing.

Those taking office today:

Clinton P. Anderson, until now a Democratic Congressman from New Mexico, succeeding Claude Wickard as Secretary of Agriculture.

Lewis B. Schwellenbach, one time Washington State Senator and former Federal District Court judge, who became Secretary of Labor as successor to Frances Perkins, last female incumbent under President Roosevelt.

Robert E. Hannegan of St. Louis, Mo., chairman of the National Democratic Committee who took over the Department of Justice as attorney general, assuming the post vacated by Francis Biddle.

The new Cabinet posts gave the West and Southwest a greater hand in the national administration.

'Fairly Sharp' Quakes Noted

NEW YORK — (AP) — Earth tremors 2,900 miles southwest of here at "fairly sharp" intensity were recorded today on the Fordham University seismograph.

The first shock was recorded at 1:39:16 A. M. (EWT) and the second at 1:45:45 A. M.

The Weston College station at Weston, Mass., reported that the direction indicated that the quake was located about 500 miles off the west coast of Mexico and that the tremors lasted about three hours. They registered strong on the Weston instruments.

WEATHER

Clear to partly cloudy and continued hot today, tonight and Sunday with scattered afternoon and evening thundershowers.

Temperature at 2:30 Today — 99
Night and Low Yesterday — 77 Hours 102—77

B-29's Hit Oil Plants

GUAM—(AP)—The B-29 knockout campaign against oil plants on Japan was extended last midnight to the eighth rich target.

Raiding the enemy homeland for the second time in one day, nearly 50 Superforts bombed the Kudumatsu oil refining plant with high explosives. The plant, Nippon's fourth largest, is on the Inland Sea coast of Southwest Honshu.

TOKYO REPORT

Tokyo radio, in a broadcast heard by the American Broadcasting Co., said at noon the same day B-29s raided the Southwest area of Hokkaido Island and one was damaged by interceptors.

(The Federal Communications Commission heard Tokyo say that last night ten "large enemy planes" sowed mines in the North Honshu harbors of Niigata and Sakata.)

20th Air Force Headquarters in Washington announced that all planes returned safely from the attack on Honshu.

Observed results were described as "excellent." There was no enemy air opposition and anti-aircraft fire was meager and inaccurate.

The 21st Bomber Command, announcing the Kudumatsu raid today, disclosed that since the big bombers began hitting oil installations on Japan May 10 they have destroyed 43 per cent of the Koriyama chemical plant; 59 per cent of the Hodagaya chemical plant at Koriyama; 45 per cent of the Otake oil refinery; all storage facilities of the Tokuyama naval oil storage facilities; 50 per cent of the Tokuyama synthetic fuel plant area and 32 per cent of the Koriyama storage tanks; 30 per cent of the storage tanks and 30

See B-29's BLAST on page 9

Open To Public

Hearings On Charter To Be Started July 9

By JACK BELL

WASHINGTON — (AP) — The Senate Foreign Relations Committee decided today to open hearings on the United Nations Charter July 9.

The first witness probably will be Edward R. Stettinius, former President Truman's chief Senate Foreign Relations Committee on the Security Council.

Chairman Connally (Democrat, Texas), said the committee was unanimously agreed on the schedule of proceeding with the treaty speed, but decided that next week could be profitably employed in permitting the State Department to assemble the many documents which will be needed in the hearing.

The sessions will be open to the public, and will be held in the big marble-walled majority caucus room in the Senate Office Building.

Asked if the power of the United Nations Security Council should be defined in the ratification resolution, Senator George (Democrat, Georgia), presiding, said that a decision on this and other suggestions begun on the American forces to be made available to the international organization to help keep future peace.

George told a reporter any condition written into the ratification resolution could only be regarded by other nations as an indirect amendment of the charter. He expressed fear that such a move would spawn similar proposals by many of the signatory powers.

He said he attempt to say in ratifying the charter how our representative on the Council shall vote, we are in effect amending

Plane Will Fly Measure To Truman In Kansas City

Life Of Agency Prolonged Year

WASHINGTON — (AP) — Racing against time to prevent wartime price controls from expiring at midnight, the House today finally approved a compromise bill prolonging OPA's life for one year.

A plane stood ready to fly the legislation to President Truman at Kansas City, so that he may affix his signature before the midnight deadline.

MEAT CHART RAISED

Approval of the compromise 225 to 94, culminated a month-long clamor against food shortages, in which House members during debate chanted "we want meat."

A House Republican bloc lost an effort to reject the compromise, previously approved by the Senate, and to restore an amendment by Representative Andresen, Republican, Minnesota, that would vest in Clinton P. Anderson, being sworn today as Secretary of Agriculture, virtual czarist powers on the food front.

The plane, it was assumed, likewise will carry bills appropriating $40,000,000,000 for the War Department and other government agencies that will be without funds July 1 Unless the annual supply bills are signed.

Denied By Greek

Reds Report Terrorism In North Greece

LONDON — (AP) — Soviet dispatches today pictured a rule of terror in northern Greece, fronting on Yugoslavia. A Greek spokesman said reports of terrorism there were fantastic.

The Soviet Tass agency said in a Belgrade dispatch that 1,000 refugees from Greek Macedonia were arriving in the Yugoslav town of Bitoli. Tass asserted these people were fleeing "from the terror of Greek monarchists" and 91 Macedonian villages were completely or partly ransacked.

An Associated Press dispatch from Athens said British troops were in Macedonia.

Constantine Tsatsos, Greek Minister of the Interior, told the press: "Reports of alleged terrorism of slaves in Macedonia and of the exodus to Yugoslavia and Bulgaria are fantastic. Some hundreds of recalcitrant ELAS supporters who were pursued by national guards for refusing to surrender their arms may have crossed the border."

Jap Planes In Okinawa Raids

SAN FRANCISCO — (AP) — Japan's Domei news agency reported Nipponese planes attacked American airfields on Okinawa and adjacent Ie Jima today but claimed the bulk of the empire's air force was being reserved for anticipated invasion of the homeland.

The Okinawa attack dispatch, recorded by the Federal Communications Commission, said the Japanese planes caused "confusion at three places". It added that "special attack" planes struck at American shipping off Okinawa at the same time.

Ships Arrive With 585 Troops

NEW YORK — (AP) — Two troop transports, delayed by fog and storm-tossed for two days, arrived today with a total of 585 troops.

The ships were the S. S. Santa Marta with 201 rotational troops from Leghorn, Italy, and the Liberty ship Ambrose E. Burnside with 384 troops, including 101 liberated prisoners of war.

The men from the Santa Marta went to Camp Kilmer, N. J., and from the Burnside to