

Senator Sam J. Ervin Says

WASHINGTON — Much has been said about the Senate's exercise of its constitutional duty to examine the qualifications of Justice Fortas to be Chief Justice of the United States. In some quarters it is said that senators should abdicate their duty and comply with the President's request without inquiry.

The criticism ignores the real obligation of senators and particularly those who are members of the Judiciary Committee to forthrightly perform their constitutional tasks. The obligation arises out of Article II of the Constitution which provides that the President shall appoint Supreme Court Justices "by and with the advice and consent of the Senate."

The gravity of this obligation is clearly revealed by the nature of the office

a Supreme Court Justice occupies and the awesome power he exercises in it. Supreme Court Justices hold office for life, and cannot be held responsible in any way to the people. After they ascend the bench, no external authority can control their official conduct or make them keep their oaths to support the Constitution.

This in itself ought to give the nation pause. The tragic truth is that in recent years the Supreme Court has repeatedly usurped and exercised the power of Congress and the states to amend the Constitution while professing to interpret it.

On some occasions it has encroached upon the constitutional powers of the Congress as the nation's legislative body. On other occasions it has stretched the legislative powers of Congress far beyond their

constitutional limits. On occasions too numerous to mention, it has struck down state action and state legislation in areas clearly committed by the Constitution to the states.

In so doing, the late Justice Owen J. Roberts put the problem aptly two decades ago in his dissent in *Smith vs. Allwright*:

"The reason for my concern is that the instant decision, overruling that announced about nine years ago, tends to bring adjudications of this tribunal into the same class as a restricted railroad ticket, good for this day and train only."

It is idle to suggest that Congress and the states can redress the consequences of judicial usurpations by exercising their power to amend the Constitution. In the first place, the Constitution cannot be amended fast enough to redress the consequences of wholesale judicial usurpations; and in the second place, it is absurd to expect that Supreme Court Justices who do not observe the language and history of existing constitutional provisions will abide by the language and history of newly adopted amendments.

Chief Justice Harlan Fisk Stone stated this understandably in the *Butler* case:

"While unconstitutional exercise of power by the executive and legislative branches of the government is subject to judicial restraint, the only check upon our exercise of power is our own sense of self-restraint."

Justice Fortas has been on the Supreme Court for three years. The question confronting the Senate is whether he ought to be elevated for life to the office of Chief Justice—an office more powerful than that of the Presidency in its impact upon constitu-

tional government. My questioning of Justice Fortas in committee hearings has been directed solely toward determining whether he possesses a sense of judicial self-restraint and is willing to exercise it. In the last analysis, the only way to preserve constitutional government is to deny seats on the Supreme Court to men who are unwilling to interpret the Constitution according to its true intent.

Sutton Playing At Livingstone

Sylvester Sutton of Edenton will be a tri-captain of the 1968 Livingstone College Bears, according to John D. Marshall, II, football coach.

Sutton, a rising junior at the Salisbury college, is the son of Mr. and Mrs. Willie Sutton, 401 North Oakum Street.

The tri-captain was a standout at D. F. Walker High School. He was chosen on the first team of All-CIAA in 1966 and was honorable mention in 1967.

As a freshman and sophomore, Sutton has caught 87 passes for over 1,600 yards and 16 touchdowns for the Bears. He is 6 ft. 1 in. tall and weighs 185 pounds.

Sunday School Lesson

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we have—our bodies, our souls, this bountiful universe in which we have our being; our loved ones—the privilege of our senses—all these are God-given blessings that we enjoy from day to day on our allotted span on this earth.

As Christians we accept the statement of the Saviour: "In my Father's house there are many mansions . . ." and, in accepting, we affirm our belief in a life after death. This, too, is God-given. Should we not find the time, therefore, to do our level best to find the time to continue God's work while we are waiting, here on earth, to inherit the Kingdom? Is not this our primary commitment—our first duty?

The works of the Bible should be our compass, and they should be referred to when we lose our way. For from this Book we can learn much.

Insuring Glass

NEW YORK—Americans spent some \$40 million to insure glass during 1965, the Insurance Information Institute reports. This is almost four times the \$11.8 million in glass insurance premiums recorded in 1941.

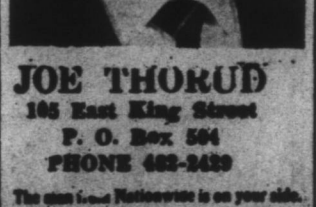
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Fishboat Sanitation

Most commercial fishermen have long been aware of the need of keeping their vessel's fish hold clean. Sanitary conditions in the hold directly affect the quality of the fish held in this area. Yet, only scanty information has been available to fishermen on how to properly clean and sanitize this most critical region. The closest approach to cleanliness in many cases has been to wash the hold, pen boards and fish boxes with harbor water—without using bactericidal or other suitable cleaning or sanitizing compounds.

Experiments have shown that conventional hand scrubbing and rinsing with harbor water does not reduce the bacteria in wooden fish holds, even though the surface of the hold appears visually clean and free of slime.

Fish holds, in many cases, have been constructed to store fish, with little or no consideration given to ease in keeping them sanitary. Slime, blood, excreta and water from iced fish contaminate the hold area. These materials are especially difficult to remove from wooden holds because only the exposed, outer surface of the wood can be effectively washed.

Debris which enters inner layers of wood through porous outer areas remains in the wood to cause foul, bilge-like odors and contaminate incoming fish with "spoilage causing" bacteria.

Painting, to seal the wood against the uptake of debris, has been largely

The Yellowed Pages

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Junior Memory Work Tournament at the State Baptist Assembly Grounds near Carolina Beach.

Town Council authorized the Board of Public Works to install a water main on West Albemarle Street in the vicinity of Beaver Hill Cemetery. Agreement was made to furnish the town suitable right of way for the location of the main and for the petitioners to pay connection charges when a bill was presented.

David E. Hervey told Town Council that he was overcharged for electricity at the Edenton Naval Air Station which, he said, violated both the spirit and letter of the agreement arrived at in federal court in Elizabeth City. Town Attorney J. N. Pruden, how-

ever, ruled that there was no violation of any agreement.

In considering the town's budget, Town Councilmen made provision for changing police headquarters from East King Street to the northern end of the town plant on South Broad Street. The move saved the town the rent for the headquarters.

Superintendent W. J. Taylor was authorized to purchase chairs for the Rocky Hock and Chowan High School lunch rooms.

What was said to be the final boat load of Chowan County watermelons left the county dock for northern markets. Over 20 boats left Edenton with approximately 500,000 melons shipped by boat and truck.

For Quick Results, Try A Herald Classify!

A Thought to Remember

By MARVIN BARHAM

"BELIEVE YOU CAN, AND YOU CAN".

The above statement is something you might believe—or disbelieve. However, belief is one of the most powerful of all problem solvers.

As an illustration—it was generally accepted for many years that it was impossible for a man to run a mile in four minutes. Along came a frail Englishman by the name of Roger Bannister—he ran the mile in 1954 in four minutes flat. Today there are many who even break that record.

Why do men break records? They believe they can!

Why do people reach for goals? They believe those goals can be obtained.

The chief reason that people are beaten down by difficulties is because they allow themselves to think they can be beaten.

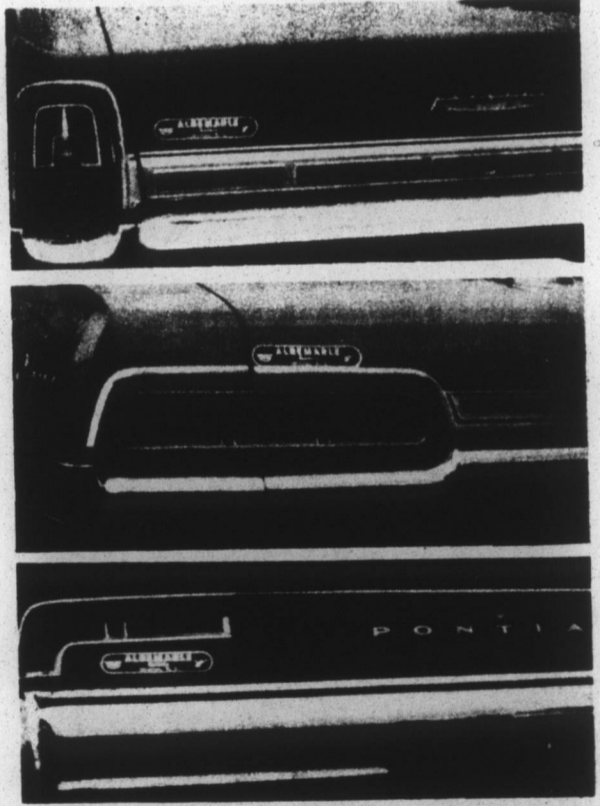
Don't all of us finally find out that we are usually bigger than all our difficulties.

OUR THOUGHT TO REMEMBER: We repeat: "Believe you can and you can."

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