

# Sam J. Ervin Says: Date Set For Cancer Clinic

WASHINGTON — Congress has recently been considering the problems of military justice and reforms offered to remedy some of its weaknesses. It may come as a surprise to many Americans, but the separate branches of our armed forces have varying rules governing the right to a defense lawyer before special courts-martial, the intermediate military tribunals.

Although a serviceman can suffer dire consequences, even a bad conduct discharge, a non-lawyer officer may and typically does conduct his defense at most of these proceedings. His right to have a lawyer conduct his defense may turn upon the branch of service he is in rather than the particular offense he is charged with. The non-lawyer may do his best for the defendant at the trial, but even so the defendant is often the loser under the system.

To remedy this and other problems of military justice, I introduced, after many years of study the Constitutional Rights Subcommittee, S. 2009, on June 26, 1967. The measure, called the proposed Military Justice Act, is a product of much painstaking work by the subcommittee. Its five sections would go far toward remedying many of the military justice concerns which have come to the attention of Congress in the last decade. One of the bill's key provisions would provide defendants with lawyer-counsel at special courts-martial regardless of the penalty involved.

There are immense difficulties in this field. The primary purpose of the military force is to defend the security and independence of our nation. For this reason, the act seeks to avoid stifling the military with inflexible legislation while still giving servicemen rights comparable to those afforded to civilians under applicable state and federal laws. The proposed act which I have introduced seeks to recognize both of these obligations.

Last June, the House of Representatives approved a

bill that would at least require a lawyer for the defense in all cases involving a bad conduct discharge. This House bill is really not an acceptable substitute for the reforms sought to be accomplished by my bill, because it does not deal at all with the acutely deficient area of administrative discharge proceedings and it does not make any changes in the military appellate structure.

The Senate Armed Services Committee has been considering the House-approved bill. Since this is the measure under consideration by the committee, I have submitted a number of amendments to it to incorporate the most pressing reforms of S. 2009.

Two of these amendments would provide for legally qualified defense counsel in all special courts - martial tribunals and for a presiding military judge in any tribunal authorized to impose a bad conduct discharge. At present lawyer-counsel and presiding "law officers" are required only in general courts-martial, the highest military trial courts.

Congress dealt with this problem in comprehensive legislation in 1950, and it should do so again to clarify and remedy some of the situations which have arisen since that time.

## Services Held For Mrs. Mizelle

Mrs. Eleanor Harden Mizelle, 78, of Elizabeth City died Thursday following an extended illness.

A native of Bertie County, she was a daughter of the late Thomas and Maggie Harden. Her marriage was to James S. Mizelle, who survives.

Also surviving are two brothers, Thomas Harden of Williamston, and Edgar Harden of Great Bridge, Va.; three sisters: Mrs. Maggie Lee Smithwick of Ahoskie, Mrs. Nellie Phelps and Mrs. Annie Lee, both of Windsor.

She was a member of Lawrence Cross Baptist Church in Windsor.

Funeral services were held in Williford Memorial Chapel at 4 P. M. Friday with Rev. E. C. Alexander and Edgar Harden officiating. Burial was in Beaver Hill Cemetery. Williford Funeral Home was in charge of arrangements.

# THE HERALD LEGAL ADVERTISING

**NOTICE OF RE-SALE**

By virtue of an order of the Clerk of the Superior Court of Chowan County in a special proceeding entitled "Mary P. Pullen, widow, et als, heirs of Myra V. Holland, deceased," I will on September 27, 1968, at 1:30 P. M., at the Court House door in Edenton, N. C., sell at public auction to the highest bidder, for cash, the following lands in Edenton, N. C., to wit:

**First Tract:** The homeplace of the late Myra Vann Holland situate on Church Street in the Town of Edenton, Chowan County, North Carolina, and more fully described in a deed from K. R. Pendleton to C. S. Vann, her father, recorded in Book K No. 3, page 133, as follows: "The residence property of said Pendleton, bounded north by Gale Street, east by the lot of Rev. R. B. Drane, D.D. (the Wm. R. Skinner property), south by Church Street and west by the lots of Mrs. John E. Bourne and Abram Bourne (the Benberry lot) fronting on Church Street sixty-six (66) feet and running through the same width and facing on Gale Street sixty-six (66) feet and being the same property conveyed to said K. R. Pendleton by Moses Hobbs and wife, Arminta, and W. D. Pruden, Trustee, July 15, 1880, by deed registered in Book X, page 402, at seq. excepting therefrom, however, the portion sold off by Jennie P. Vann, et als, described as follows: Deed from Jennie P. Vann, widow, and Myra Van Holland and her husband, R. C. Holland, to J. R. Dulaney and wife, Mary W. Dulaney, dated January 6, 1956, and recorded in office of Register of Deeds of Chowan County, North Carolina, in Deed Book 11, page 506. The bid will start on this tract at \$17,900.00 to J. Scott Harrell.

**Second Tract:** A certain tract or parcel of land in the Town of Edenton, Chowan County, North Carolina, described as follows: The lot with all buildings and improvements thereon beginning at a point, a stake, on the western edge of Norfolk Southern Railroad right of way, said point constituting and being a distance of 872.8 feet from the center of North Carolina Highway No. 32; thence north 77 degrees 30 minutes west 175.4 feet along the line of Junius F. Britton lands to a stake on the eastern edge of Jackson Street; thence north 12 degrees east 65 feet along the edge of said street to a stake; thence south 77 degrees 30 minutes east 175.4 feet along the line of M. W. Jackson land to a stake on the western edge of said railroad right of way; thence south 12 degrees west 65 feet along the edge of said railroad right of way to the point of beginning. The above is the same property conveyed to Myra V. Holland by deed dated October 11, 1960, recorded in the office of the Register of Deeds of Chowan County, North Carolina, in Deed Book 15, pages 444-445. The bid will start on this tract at \$3,725.00 to Curtis V. Forehand.

A ten per cent cash deposit will be required of the successful bidder on the day of sale to guarantee compliance with the bid and taxes for 1968 will be prorated.

This the 10th day of September, 1968.

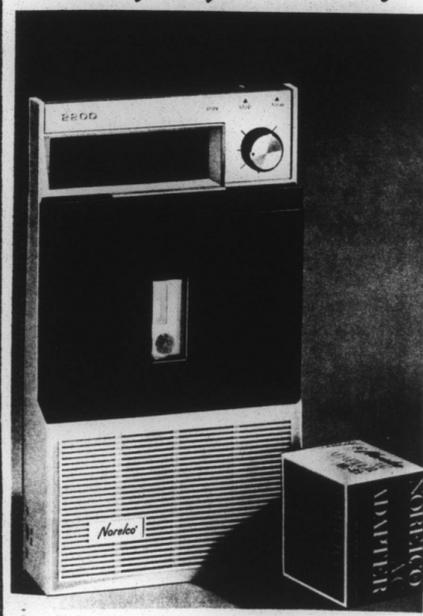
J. A. PRITCHETT, Commissioner.  
Pritchett, Cooke & Burch, Attorneys,  
Windsor, North Carolina.  
Sep 19 26

**Administrator's Notice**  
In The General Court Of Justice  
Superior Court Division  
Having qualified as Administrator CTA of the estate of Wilborne Harrell, late of Chowan County, North Carolina, this is to notify all persons holding claims against the estate of said deceased to present them to the undersigned on or before the 20th day of March, 1969, or this notice will be pleaded in bar of any recovery thereon. All persons indebted to said estate will please make immediate payment.

This 16th day of September, 1968.

J. A. CURRAN, Administrator CTA of the Estate of Wilborne Harrell, Deceased.  
Sept 19 26 Oct 3 10c

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