



A friend, who presides over a large attractive student training center, called and said a lady had offered to give him a "ligustrum tree" to plant in front of his building this fall.

I might explain here that this is a beautiful building, architecturally correct and already appropriately landscaped with holleri, cornuta and rotundifolia hollies, pfitzer junipers and turf. The building is located on a corner with heavily traveled streets on two sides; and the planting area is limited.

I suggested that I would drop by and we would have a look at the "ligustrum tree 25 feet tall" and also at the proposed planting site. He said he would call the lady and we would pick her up.

Lo and behold, the lady proved to be a friend, charming, extremely capable, but she had made up her mind. Unfortunately, I had, too. Anyway, we drove to the site and pulled into an abandoned drive. There they were — ligustrums, neglected, 25 feet tall, leggy and poorly shaped.

There was much verbal skirmishing, attack and counterattacking, but when the smoke had cleared away, I had won the battle, I think, although there may be repercussions.

Let's analyze this problem a little. As I have already stated, the proposed site is very small and is already appropriately landscaped. There is no room for a tree of any sort.

Ligustrum has always been considered as a hedge plant, especially suited for screening. It may be used for other purposes in the landscape plan if it is properly and regularly pruned and shaped.

In my opinion, it has no character if permitted to grow to tree size. There are too many deciduous and evergreen trees for shade and ornamentation which are much better. Moving the plant would have been costly, too.

Every plant in the landscape has character all its own and

must complement every other plant in the landscape if the effect is to be pleasing to the eye and satisfying to the owner and his neighbors.

The slogan "Beautify America" is a good one because PLANNED beautification is implied. This gives meaning and purpose and is supported by all ethical nurserymen.

Unless the slogan "Plant a Tree" is carried out with the same PLANNED beautification in mind, it has neither meaning nor purpose. Think about it.

FRIDAY COURT NOTES

In Kinston Recorder's Court Friday Ronald Hill was fined \$100 for drunken driving, Guy Manning was ordered to make good a worthless check, George Kamage of Camp Lejeune was fined \$25 for speeding and Joe Garner of Kinston route 2 was fined \$25 for permitting a unlicensed driver to drive.

When we were borrowing customs from older cultures, who was the idiot who passed up the siesta?

A man's temper improves the more he doesn't use it.

SENATOR SAM ERVIN
Continued from Page 3

chief justice that will be occasioned when you depart. With your agreement, I will accept your decision to retire effective at such time as a successor is qualified."

Here again, the President imposed a legally unacceptable qualification upon the naming of a successor to the office of chief justice. The President accepted Chief Justice Warren's conditional retirement as "effective at such time as a successor is qualified."

Witness what the Senate would

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be doing in agreeing to this odd procedure. For a successor to be "qualified," three events must occur. The President must nominate and send to the Senate the name of the successor to the office of chief justice. The Senate can then consider the nomination, and if it consents to the nomination, the successor is then appointed by the President "by and with the advise and consent of the Senate." The successor thereupon must take the oath of office in order to qualify. So what the President has done in laying down the conditions for this nomination is to propose that a new Chief Justice be sworn into office before the Old Chief Justice actually retires from active service. This contravenes the statutory

requirements governing retirements of justices as set out in Title 28, Section 371 of the U. S. Code. The pertinent part of that statute says plainly: "The President shall appoint, by and with the advice and consent of the Senate, a successor to a justice or judge who retires." Chief Justice Warren has not retired within the meaning of this statute.

To accede to a nomination which does not conform to, the plain intent of the applicable law governing the retirement of the Nation's highest judicial officer could pave the way to other problems once such a principle became established. It is conceivable that Justices, for whatever purpose, could begin

the practice of conditional retirements and conditional resignations, and the President could even have the Senate confirm appointments to become effective in the remote future.

Such a principle, if established, could do serious damage to the prestige of the Court and to the written law. I have, therefore, raised this question in hearings upon this nomination because I think that we must abide by the law in choosing our judicial officers.

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