

LECHE ASKS HIGH TRIBUNAL TO VOID PRISON SENTENCE

Ex-Governor Files Appeal in Truck Fraud Conviction

Former Governor Richard W. Leche, who was sentenced to serve 10 years on a federal conviction at Alexandria on mail fraud charges arising from purchases of trucks for the Louisiana highway commission, filed an appeal Friday in the United States fifth circuit court of appeals.

Attacking the court's rulings relative to pretrial motions as well as defense motions during and after the trial, the appeal charges also that the court erred in numerous instances regarding admission or exclusion of certain testimony and in admitting certain exhibits.

Leche was indicted with L. P. Abernathy, former chairman of the highway commission, and George Younger, Alexandria motor truck dealer. The government charged that in the purchase of 233 trucks and other equipment there was a "grossed profit" of \$1,857,188, almost one-third of the total purchase price.

It further alleged that of that excessive profit, Leche received \$31,000, Younger received \$56,953.44 and that the balance was paid to James Thomas, alleged "go-between" man between Leche and Younger during the period covered by the indictment. Thomas later testified that in addition to the \$31,000, he gave Leche an additional \$22,000.

At the opening of the trial on May 27, Abernathy and Younger entered pleas of guilty. Abernathy, later used as a government witness in the trial of Leche, subsequently was fined \$10,000 and Younger was fined \$30,000. Leche was found guilty on June 1 and, when his motion for a new trial was overruled on June 11, he was sentenced.

On the three-count indictment, he was given consecutive terms of five years on each of the first two counts. On the third, he was given a suspended sentence for five years and was fined \$3600.

In the appeal, it was charged that the court erred in refusing to grant demurrers to the indictment in refusing motions for directed verdicts or not guilty, in refusing special charge to the jury, in refusing to grant an arrest of judgment, in refusing to grant a new trial.

It was asserted also that no evidence had been adduced to show that Leche had any knowledge of the alleged scheme to defraud, that he did not mail or cause to be mailed any of the checks and letters on which the indictment was based, and that at the time they were mailed, any alleged scheme to defraud was fully consummated and completed.

As to the charges that Leche had no knowledge that the trucks were to be purchased at excessive prices and that no evidence was presented to show the trucks could have been purchased more cheaply from the manufacturer directly, it was argued that the government's charge that the trucks were not bought on bids, as alleged in the indictment, was not in violation of law and that no evidence was adduced to show there was anything unusual or abnormal in the highway chairman buying the trucks.

The appeal asserted further that the court erred in permitting certain witnesses to testify that dealers' contracts made by the manufacturer of the trucks denied commissions to dealers when such trucks were purchased by the federal of state government.

It also was erroneous, it was argued, to permit testimony regarding sales of trucks to the city of New Orleans and to Mississippi departments, because there was no testimony that they were of the same type as those sold to the Louisiana highway commission.

Use of Thomas J. Hill of New Orleans to testify as to a purported gas contract in which Leche was interested was in error, the appeal stated, and Hill's refusal to testify on constitutional grounds was "prejudicial" to Leche and gave the jury the impression that the defendant was guilty.

Finally, it was argued that the use of Abernathy as a rebuttal

Drivers Warned of Upward Trend in Traffic Deaths

(The Associated Press) (Chicago, June 28)—An upward trend in traffic deaths as Americans entered the vacation travel period evoked a warning from the National Safety Council today.

The organization urged drivers and pedestrians to exercise extra care and reported that motor vehicle fatalities during the first five months of 1940 totaled 11,000, a six per cent increase over the toll recorded in the same period last year.

In May alone 2510 persons lost their lives. The number was five per cent greater than in May 1939. May also was the eighth consecutive month to show more than the corresponding month of the previous year.

SOUTH'S SUPPORT OF TAFT BASED ON PLEDGES TO AREA

Delegations Stuck by Firm Commitments to Back Ohio Candidate

By Paul Wootton (The Associated Press) (Philadelphia, June 28)—Southern delegates to the Republican national convention were predominantly in full swing and when they had given assurances in advance that the Ohioan would give more consideration to that section than has been customary by either Democratic or Republican presidents.

On the first ballot the 13 Southern states contributed 44 per cent of the total vote received by Senator Taft because they had given assurances in advance that the Ohioan would give more consideration to that section than has been customary by either Democratic or Republican presidents.

On the sixth and final ballot, when handwagons jumping was in full swing and when there was little doubt that Willkie would be nominated, most of the Southern states continued to vote for Taft. This is the way the Southern Taft votes lined up on the sixth ballot:

South for Taft: Alabama, 7; Arkansas, 10; Florida, 2; Georgia, 7; Kentucky, 22; Louisiana, 12; Mississippi, 11; North Carolina, 8; Oklahoma, 5; South Carolina, —; Tennessee, 5; Texas, 26; Virginia, 2; Total, 115.

This was only 24 votes less than on the fifth ballot when the big push was made for Taft. The Taft vote slumped, South Carolina is the only Southern state that made no contribution to the Taft total on any ballot.

Southern votes for Willkie on the final ballot totaled 94, as follows:

Alabama, 6; Arkansas, 2; Florida, 10; Georgia, 6; Mississippi, 17; North Carolina, 15; Oklahoma, 10; South Carolina, 10; Tennessee, 10; Virginia, 18.

Even though only one state, South Carolina, gave all its votes to Willkie, South Carolina gave all its votes to Dewey on the first three ballots. Two votes split off to Willkie in the fourth ballot. Willkie got nine of that state's votes on the fifth ballot and annexed them all on the final ballot.

The reason for Taft strength and Dewey weakness in the South is explained by the fact that the Taft campaign was well organized. Throughout it was in the hands of experienced persons who did a thorough job.

On the other hand, Willkie had no organization. As the popularity of the South and had many rooters in that section he came into the field after Southern delegates had made definite commitments.

Experienced politicians call Willkie the "miracle" candidate as they had been brought up on the belief that careful organization and hard work are necessary to the successful election of a candidate. This is the first time in their experience that a candidate took a political convention by storm.

For the peace of mind of the politicians and the political organizations that did not support Willkie, Representative Charles Halleck, his campaign manager, says Mr. Willkie has no "before Philadelphia" complex. There are to be no purges in the Republican party, he says. Mr. Willkie's feeling is that the country is certain to cope with more and stronger adverse forces than ever before, which is going to require team work. He certainly is not going to demoralize his own team at a time when it will be called upon to do its utmost in the way of performance.

WAR RELIEF DONATION REACHES \$16,365,909

(The Associated Press) (Washington, June 28)—The American Red Cross war relief fund reached \$16,365,909 today.

The organization, announcing the new total, said it had cabled \$300 today to its representative at Bilbao, Spain, to assist "hundreds of Americans" who had arrived there without funds.

Witness was erroneous and that he should have been used as a main witness.

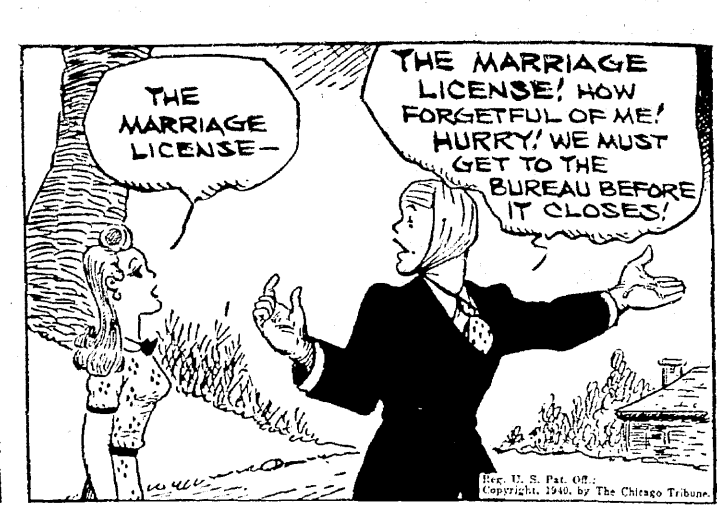
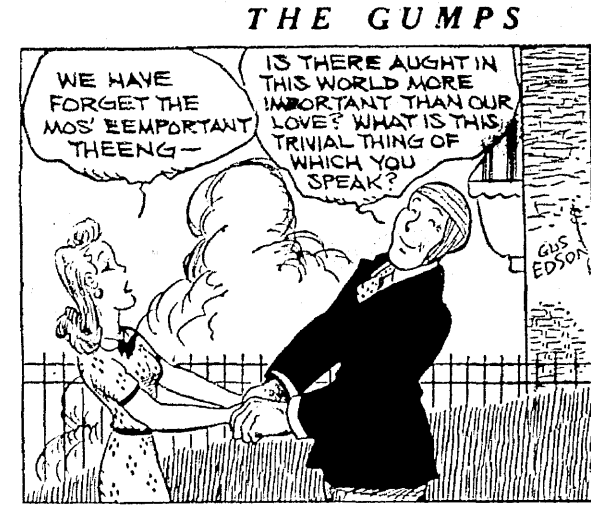
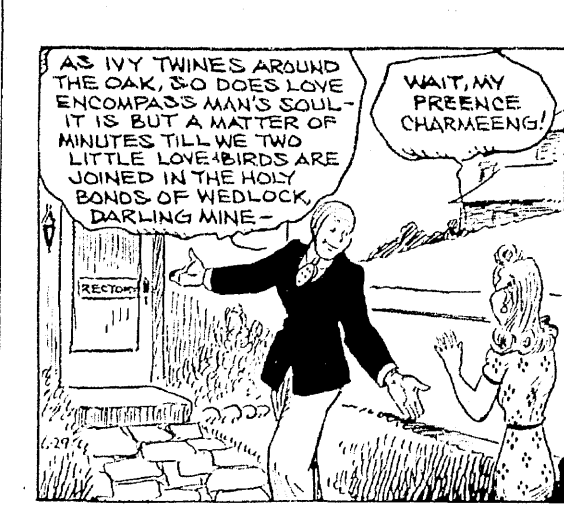
On cross-examination, the appeal concluded, the court erred in barring certain questions which would have shown Abernathy's connection with the Standard Oil Supply Company and its sales to the highway commission, all of which would have been used to test the credibility of the witness.

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G. O. P. Committee to Serve 4 Years Named at Parley

(The Associated Press) (Philadelphia, June 28)—The Republican National Convention today approved a new national committee to serve for the next four years. Members include (excluding new members):

Alabama—R. L. Noojin; Mrs. Pearlre Harper Waters.

Arkansas—Wallace Townsend; Mrs. A. C. Remmel.

Florida—L. Leonard Reptogle; Mrs. Myra F. Brown.

Georgia—S. W. H. Williams; Mrs. Bertha M. Field.

Kentucky—S. Dr. O. F. Hume; Mrs. Janet Ross Todd.

Louisiana—John Jackson; Mrs. Julia Grimmett Fortson.

Mississippi—Perry Howard; Mrs. Mary Booz.

North Carolina—Charles A. Jonas; Mrs. Lindsay Patterson.

Tennessee—Hon. B. Carroll Reece; Mrs. A. V. Melane.

AVOID WAR, SPUR TRADE, WILLKIE'S TOP OBJECTIVES

Also Favors Aid for Allies, Bolstering U. S. Defenses

(The Associated Press) (Philadelphia, June 28)—Wendell L. Willkie, Republican nominee for president, has emphasized these precepts in his foreign policy statements: Stimulate trade, keep out of war, aid the Allies and strengthen United States defenses.

"Plainly," he once added, "all defense rests upon industrial defense, without which we cannot produce the equipment that we need. But the keystone of industrial defense is national unity."

Other foreign affairs statements by Willkie have included these:

April 1940 issue of Fortune magazine: "It makes a great deal of difference to us—politically, economically and emotionally—what kind of world exists beyond our shores. We cannot build our new world here without taking that other world into account."

"We have been sure for a number of years that we don't want to have any part in anybody's war."

"Our foreign policies should be forthright and clear. We are opposed to war. But we do not intend to relinquish our right to sell whatever we want to those defaming themselves from aggression. And we are not so foolish as to believe that the sales of products at our ports, with our ships withdrawn from combat areas, can possibly involve us in hostilities."

'HOODOOD' KILLER TO HAVE MENTAL STATUS STUDIED

Two Physicians Named by Court to Examine Fratello

Dr. C. Grenes Cole, coroner, and Dr. Charles Holbrook were appointed Friday by Judge J. Arthur Charbonnet in criminal district court to inquire into the mental status of Angelo Fratello, 31 years old, 3327 South Claiborne avenue, under indictment for murder in connection with the April 15 slaying of Salvatore Lauric, 25, 2608 First street.

Application for the appointment of a lunacy commission was filed by attorneys for Fratello, who alleged in their petition that Fratello has for a number of years exhibited various eccentricities and abnormal acts which manifest mental disorder on his part.

Even though the defendant is obsessed with the idea that certain people were attempting to poison him and that other persons had "hoodooed" him.

After hearing several witnesses Judge Charbonnet decided to appoint the alienists to determine Fratello's condition.

When arrested Fratello, a packing house fireman, is said by police to have told Chief of Detectives John Grosch that he committed the crime "because they hoodooed and hurt me."

Laurie, a truck driver and former friend of the suspected murderer, was shot five times and fatally wounded on the night of April 1 when he opened the front door of his home.

Fratello was quoted by Chief Grosch as saying that he and Laurie were childhood friends and that Laurie "hoodooed" him when he refused as a youth to go through with a marriage which Laurie sought to engineer. Chief Grosch said Fratello further stated that he had suffered because of the "curse" which he said was placed on him by Laurie and others, and that in desperation he finally decided to "kill him and four others."

Annerberg Gets Postponement of Sentencing Date

(The Associated Press) (Chicago, June 28)—Sentencing of M. L. Annerberg for a \$12,000 income tax evasion was postponed today until Monday at the request of counsel for the Philadelphia publisher and former racing news magnate.

Judge James H. Wilkerson had set today at 2 p. m. for disposition of Annerberg's plea of guilty for evading taxes in 1936.

Judge Wilkerson agreed to the delay but asserted that Annerberg would be sentenced at 2 p. m. Monday and there would be no more delays.

The delay also will apply to the case of Joseph E. Hafner, Annerberg's head bookkeeper who pleaded guilty to assisting the 1936 evasion.

TRIO CALLED TO DUTY WITH NAVY STATION

Three United States naval fleet reserves have been called to active duty to aid in recruiting at the naval recruiting station, 219 Customhouse, Lieutenant-Commander C. L. Walton, officer in charge of the station, announced Friday. Recall of the reserves has been made necessary by the increase in recruiting activity, he said. The three called to active duty are Donald York Burr, chief machinist's mate, St. Claude, Fla.; Joseph Henry Key, chief gunner's mate, Warrington, Fla.; and Willie Gunter, water tender, first class, Enterprise, Ala.

Mississippi WPA Force Nearly All Pledged to U. S.

(Special to The Times-Picayune) (Jackson, Miss., June 28)—Most of Mississippi's 25,830 work projects administration employes have signed an affidavit pledging allegiance to the United States. Roland B. Wall, state administrator, asserted this afternoon.

Each must sign the affidavit by July 1 if he is to receive his next pay envelope, Mr. Wall said. He added that no one in the state, as far as he knew, had declined to sign the affidavit. The affidavit is required by the emergency relief appropriation act for the fiscal year of 1941, which begins July 1.

The affidavit says in part:

"I do not and will not advocate or hold membership in any organization that advocates the overthrow of the government of the United States, and further, that I am not an alien, nor a Communist, nor a member of any Nazi bund organization, and that I will not become a Communist or a member of any Nazi bund organization during any time I may be paid from funds appropriated to the work projects administration."

A bold-face notice is printed on the affidavit warning that anyone falsely signing the document is subject to a penalty of not more than \$2000 or imprisonment of not more than two years, or both.

BILL FOR RAISING COURT OF APPEAL JUDGES' PAY DIES

New Orleans Delegation Split; Tobacco Tax Measure Amended

(The Associated Press) (Baton Rouge, La., June 28)—Decried further raises for judges, rural senators today killed a bill which would have raised salaries of judges of the Orleans court of appeal from \$9000 to \$10,000.

The bill was defeated by a vote of 17 to 19 and the move of Senator Lionel C. Ott of New Orleans to have the vote reconsidered failed when Senator Ernest S. Clements of Oberlin pointed out that Ott had failed to change his vote to the prevailing side in accordance with Senate rules.

"This is just another of numerous increases for judges and I think it's time to call a halt," said Senator W. G. Jones of Denham Springs, who led opposition to the bill.

The vote brought a split in the New Orleans delegation, with Senators Andrew Schwabe, Dudley Desinare and Richard Wingrave opposing the measure.

The Senate also adopted floor amendments to the administration's new tobacco tax measure. The amendments would reduce the expected \$1,000,000 new revenues only about \$25,000, but would reduce from 13 to 10 cents the price bracket for the new one-cent tax on package tobaccos and would strike out the proposed one-half-cent tax on cigars of 10 cents and over.

The Senate also passed a proposed constitutional amendment which would repeal present limitations on state income taxes, thus making constitutional the administration's proposed income tax measure.

The bill had already passed the House and was sent to Governor Sam H. Jones for his signature.

YOUTH LOSES LIFE AS AUTO OVERTURNS

(The Associated Press) (Crestview, Fla., June 28)—C. T. Roberts, 20 years old, of Pensacola was killed today when the truck he was driving left the highway and overturned. Constable Joe Adams said the youth apparently went to sleep at the wheel. The body was sent to Pensacola, where relatives said funeral services would be held at Mobile, Ala.

150 FRENCHMEN QUIT RUMANIA FOR TURKEY

(The Associated Press) (Istanbul, June 28)—One hundred and fifty French naval men arrived in Istanbul today as private citizens and disclosed they had been manning Rumanian coastal defenses.

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Senator Says G.O.P. Choice Makes Third Term Assured

(The Associated Press) (Washington, June 28)—Senator Norris, Independent, Nebraska, asserted today that the Republican party had assured the reelection of President Roosevelt by nomination of Wendell Willkie.

"Willkie is Insult to the second," Norris told reporters. "He is head of a great utility empire. The power trust was behind him and gave him this nomination."

"I don't believe there is a ghost of a chance of Willkie being elected, but he is going to make a great campaign. This same combination that nominated him and deceived the convention is going to try to put him over in November."

Norris has been an advocate of a third-term for President Roosevelt.

Democratic Chairman James A. Farley said that Willkie's nomination put this question before the country: "What sets of forces, economic and social, are to conduct our government—the historical American processes, or some new and somewhat foreign methods of concentrated control?"

Speaker Bankhead, commenting along similar lines, declared that the nomination placed before the voters the issue of whether they wanted to place the executive in the control of forces which are somewhat foreign to our usual American way of life. Neither he nor Farley elaborated on their statements.

Secretary Ickes, declaring that President Roosevelt would be re-nominated and re-elected, expressed belief that Willkie was now enjoying a popular strength which would soon ebb away.

He said that after the Illinois primary he predicted that Thomas E. Dewey, then regarded as the leading candidate for the Republican nomination, was at the top of his strength.

"I make the same prediction today with respect to Mr. Willkie," Ickes continued. "The difference between Thomas E. Dewey and Wendell Willkie is the difference between a pinwheel and a sky rocket."

Office Is Set Up for Checking of Ship Movements

(The Associated Press) (Washington, June 28)—Secretary Morgenthau announced today that an office of merchant ship movements had been established under the treasury to enforce new regulations under the presidential proclamation for federal control over foreign vessels in American ports.

Morgenthau said the new office, under supervision of Assistant Secretary Herbert E. Gaston, would provide increased control through captains of the port over the anchorage and movement of vessels in United States harbors and over handling and loading of explosives and other dangerous cargo.

The new regulations provide that the captain of a port or any other officer designated by the secretary of the treasury may order the search "at any time of any vessel, foreign or domestic, or any person or package thereon, within the territorial waters of the United States, to place guards upon such vessels and remove therefrom any or all persons not specially authorized by him to go or to remain on board thereof."

ARMY SUPPLIES MAY BE STORED AT ALGIERS YARD

Government Considers Using Facility as Base for War Materials

Coincident with the withdrawal of its request that the dock board vacate the army supply base at the foot of Poland avenue, the federal government announced Friday that it was considering use of the Algiers navy yard for storage of war materials.

Acting Secretary of War Louis Johnson said no decision had been reached but added that favorable action on converting the navy yard into an army supply base was "entirely possible."

Idle for about 18 years, the facilities of the Algiers navy yard were turned over to the national youth administration last year for training boys as mechanics.

Disposition of the navy yard has been studied at various times for more than a year. The proposal that it be used as an army supply base was pressed at a conference in Washington earlier this month by General Sam Jones and Adjutant-General Raymond H. Fleming.

Word that the United States government had withdrawn its request for the dock board to vacate the Poland avenue base was telephoned from Washington Friday by John McKay, general manager of the dock board, to Rone A. Steigler, dock superintendent.

The supply base, consisting of three warehouses extending back from the Poland street wharf is under lease to the dock board at a rental of \$135,000 per year. Mr. Steigler said. The war department originally had requested the dock board to vacate the premises to permit storage by the government of war materials at the base.

HIGH COURT GRANTS JUDGE NIX REQUEST

The Louisiana state supreme court Friday granted the request of Judge John D. Nix of the juvenile court that he retire on two-thirds pay, but the order will become effective on November 30, just a month before expiration of his term of office.

He has been serving as judge of the juvenile court since February 1922 and under provisions of Section 8 Article VII of the state constitution is entitled to retire at two-thirds pay, the order said. Judge Nix gave poor health as the reason for retirement before completion of his term of office.

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