



Published every Saturday by JOHN MITCHELL, JR., at 211 N. Fourth Street, Richmond, Va.

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All communications intended for publication should be sent so as to reach us by Wednesday.

TERMS IN ADVANCE.

Table with subscription rates: One Copy, one year, \$1.50; One Copy, eight months, 1.00; One Copy, six months, .75; One Copy, four months, .50; One Copy, three months, .40; Single Copy, .25.

ADVERTISING RATES.

Table with advertising rates: For one inch, one insertion, \$.50; For one inch each subsequent insertion, .40; For two inches, three months, 6.00; For two inches, six months, 10.00; For two inches, nine months, 12.00; For two inches, twelve months, 14.00; Marriage and Funeral Notices, one inch, 25.00; Standing andTransient Notices per line, 10.

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Entered at the Post Office at Richmond, Va., as second class matter.

SATURDAY, DECEMBER 31, 1910.

BALTIMORE'S CITY SOLICITOR AND HIS OPINION.

If the report of the opinion of the City Solicitor of Baltimore is correct, then that Northern city is very much in need of a competent official in that official department of the city government. The gentleman in question sails under the command of Mr. Poe, and he gives away his case in the opening of his remarks, as follows:

The police power is the broadest power possessed by the State. No attempt has ever been made to strictly define it. It is spoken of as the power of the state to pass laws and to prescribe regulations in order to promote the health, peace, morals, education and good order of the people. The power, however, is not an absolute one, and is subject to control by the courts. Almost every valid exercise of the police power interferes with and is a restriction upon individual and property rights.

In determining upon the validity of a police regulation the questions that present themselves usually are: First—Does a serious situation actually exist that calls for relief?

Second—Does the situation affect the health, morals, safety or good order of the community?

Third—Is the proposed measure reasonably calculated to afford relief?

If all these questions can be answered in the affirmative, the presumption is in favor of the validity of the measure, notwithstanding the fact that individual and property rights may be seriously affected thereby.

But these questions cannot all be answered in the affirmative. Does a serious situation actually exist in the purchase by a cultured citizen of a valuable piece of real estate in a block occupied by white residents and vice versa?

Does such a purchase and occupancy by either a white or colored person affect the health, morals, safety or good of the community? If it does affect the situation in the case of a colored person moving in a block occupied by white people, how can you argue that it affects the situation in the case of a white person moving in a block occupied by colored people? And yet it must affect in both cases in order to maintain that basis of equality guaranteed by the Fourteenth Amendment to the Constitution of the United States.

City Solicitor Poe continues: It cannot be denied at this late

day that one of the greatest problems that confronts the Southern States is the Negro problem. This problem exists not because of mere race prejudice, but because experience and time have conclusively proved that the commingling of the white and colored races is an absolute impossibility and that any such attempt invariably leads to grave public disorder. This recognized fact has resulted in the passage of a number of laws in various States enforcing separation of the two races in the schools, public conveyances, hotels, inns, theatres and other public places. Marriage between the races is also prohibited under severe penalty.

But then Maryland is not a Southern State, and the Southern States in dealing with this so-called problem have never found it necessary to pass a race segregation ordinance such as is now a source of experiment in the city of Baltimore. It but emphasizes the claim of the Southerners that whenever Northerners attempt to deal with the race question, they make a "mess" of it just as President Taft is doing.

The separation of the races in the South is only in name, for white men continue to "raise up children unto Abraham, which children claim Negro women as their mothers and white men as their fathers. City Solicitor Poe continues:

Legislation of the character just mentioned has been invariably upheld as a proper exercise of the police powers possessed by the States, notwithstanding the fact that in certain Northern States legislation prohibiting the separation of the races in schools, public conveyances and public places has been declared valid for the same reason. In other words, legislation of a diametrically opposite character, one enforcing the separation of the two races and the other prohibiting it, has been sustained on the same ground—to wit, the police power.

The question that naturally suggests itself, therefore, is why in some places it is held wrong to separate the races and in other places wrong to allow them to mingle? The answer is very simple. It is because in certain communities the maintenance of public order and the general welfare does not require or render proper or reasonable the separation, while in other communities a proper regard for public order and the general welfare does render such separation necessary.

Such argument as this hardly needs a reply. It is in violation of every principle of both law and ethics and a man, blinded by race prejudice and the slave of his own passions could alone have been guilty of setting up such a plea.

He forgets that the colored people do not own the hotels, the railroads, the street-cars and the other places to which he refers. He should understand that he now proposes to confiscate a man's own property by denying him the right to enjoy the benefit of that thing which he has purchased. When you do that far, you are encroaching upon the inherent rights of a citizen—both black and white. He says further:

I will not attempt to go into the various reasons that have been assigned by the courts in upholding legislation requiring the separation of the races in schools, public conveyances and public places. All of these reasons when fairly and honestly analyzed are based upon the assumption and belief that because of irrefutable facts, well-known conditions, inherent personal characteristics and ineradicable traits of character peculiar to the races close association on a footing of absolute equality is utterly impossible between them wherever Negroes exist in large numbers in a white community, and invariably leads to irritation, friction, disorder and strife. The separation of the races, enforced by law in public schools, on railroad trains, in the street cars and in public places is founded on and supported solely by the considerations which I have just mentioned.

But the attorney errs when he fails to note the fact that the Constitution of the United States does not take notice of such racial characteristics as those cited, but expressly forbids racial discriminations in favor of one citizen as against another, and that the discriminating against both races does not materially affect the situation any more than the denial of political rights to a white man could be used as a plea in justification for the denial of political rights to a colored one. The point is that political rights should not have been denied to either.

Solicitor Poe is quoted further: Why should the State put itself to the extra expense of providing separate schools for the colored race? Why should common carriers be put to the extra expense of providing separate accommodations for the colored race. Why should marriage between the races be prohibited, unless it be that because in the communities where such legislation prevails the people actually know and correctly believe that the real welfare and the absolute protection and safety of the community depend upon the enforcement of such legislation?

The ordinance which is now before you undoubtedly goes further than any adjudicated case that I have been able to find, but at the same time I have been unable to discover any case where such legislation has been declared illegal. None of these cases cited involve property rights—the rights and privileges of a citizen to occupy and

THE CASE OF THE NEW YEAR TWO VIEWS AND A VERDICT



By ROBERT DONNELL.

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View of Mr. Grouch View of Mr. Grin

THE years are all a bore to me, And I confess I cannot see Why any one should celebrate A mere new figure on the slate Of Time. The days just drag along; They're full of woe and pain and wrong. With only here and there a streak Of pleasure. Seven make a week, And thirty days a month we call, Twelve months a year, and—well, that's all.

THE PESSIMIST.

THE years are all a joy to me, For in them each and all I see So much of beauty and delight Surviving all decay and blight. It makes my heart a shrine of song As God's good years just glide along. I'm very glad to be alive Three hundred days and sixty-five. And so I celebrate with cheer The coming of another year.

THE OPTIMIST.

The Verdict

DON'T look so gloomy, Mr. Grouch! Your visage hurts a fellow—ouch! No use to wear a face a mile Or so in length. Do try to smile! Just take a glance at Mr. Grin And get his viewpoint—now, begin! This world of ours is middling fair; There's lots of space and light and air. And many other pleasant things Enjoyed by common folks and kings. Since life appears so dark to you Just get the sunshine point of view, And I say ten to one you'll find The world is comfy-like and kind. At any rate, if I'm the judge My verdict's this—and I won't budge. An inch to either side. I say It pays to smile just any day. So, Mr. Grouch, you lose your case; Your sentence is a year's disgrace. And as for you, good Mr. Grin, The court hereby decides you win.

be benefited by the thing purchased. The colored citizen has not purchased a railroad or a hotel or a theatre or a street-car or a school-house or a college as an individual, but when he buys a residence he owns it outright, and so long as he is a citizen there is no power to prevent his occupancy of the thing purchased. On the other hand, the city

and State governments, to which he pays taxes are pledged to protect him in the peaceful possession of the property which he purchased. This is such a simple, fundamental principle of law that it is surprising that any lawyer of reputation or standing could be found to oppose such a self-evident proposition. This is not all for the owner

has a right to defend himself against unlawful assault and to resist eviction from his own premises. There have been questions raised in the matter of contagious diseases as to the right of the sanitary authorities to force a citizen to leave his own residence and be carried to pest houses in the cases of epidemic diseases unless the consent of the per-

son to be removed, or those having him in charge is first obtained. Solicitor Poe then cites the Berea College case, which is not at all analogous to the questions under discussion. The college was not owned by the students. The educational department is in the hands of the State, and regulations of the students have been delegated to it for more than a decade. The individual right of a law-abiding citizen to reside within the confines of his own home has never been questioned except by a mob, and it is strange that a Northern city like Baltimore should lead in the movement.

If the City Solicitor cannot argue his cases with more legal ability than is shown in this instance, we are forced to conclude that there is a dearth of legal ability in the Monumental City. It is gratifying, too, to realize that the law which is being used against the poor Negro today will be used against the poor white man tomorrow. The enacting of legislation of this description has always reacted upon the community which permitted it and has returned to plague the inventors. We do not now, and we have never taken, the Baltimore situation seriously. It shows that the colored people of Baltimore are increasing their real estate holdings and advancing in the financial centres of the world. White men who are envious are devising means to check this progress, but they might as well attempt to check the waves of the Atlantic with a broom or to dam up a river with a shovel. It will stimulate other colored people to greater efforts, and they will buy block after block of real estate, pile up wealth in the banks of the country and finally be wealthy and influential enough to either make all of this outrageous legislation a dead letter or powerful enough politically to erase every vestige of it from the statute books of the States in which it has been enacted.

Let there be no despair then. Press onward and upward and show to Mr. Poe and his associates that there is no power under the sun that can check the onward march of a determined and progressive people. Let Baltimore encumber its ordinance books with this race discriminating legislation. Let it out-law every citizen of color within its confines; let it send out its wares and enunciate its doctrines, and when all is said and done, our people will have come together as

one man, will have ceased their bickerings and their petty differences one against the other, and under wise leadership will have reached the goal for which they have so long contended, and in the land of financial plenty will sit down to rest in the shade of the trees.

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How to Stencil a Frieze. When stenciling a design for a wall paper frieze draw the diapered pattern on heavy paper so as to allow the skeleton design to hold firmly together after the sprays have been cut out from stencil plates. Cut out each piece of the drawing with a sharp knife and lay it on a rough piece of the cardboard so that the edge of the knife is not turned. Prepare each piece to resist the action of the color by sizing or by shellac dissolved in methylated spirit. Mix the color with one-third turpentine, using only a small portion at a time, as it is very volatile. Then dab the color all over the surface of the design with a stencil brush. You will then be ready to apply it to the wall.

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