The Biggest FREEZE-O CONTEST We've Ever Held!

101 FREE PRIZES

LOOK!

NOTHING TO BUY

No Labels to Send!

No TOPS to Send!

No Strings Attached

Read Rules at Right

IF YOU HAVE NEVER USED FREEZE-O you can still enter the contest, of course. BUT by all means, if you don't have a jar of FREEZE-O in your home, go to one of your friends for some. We're sure that they will gladly let you use enough of it to know that it's as fine a skin cream as money can buy. FREEZE-O is made of the finest ingredients known to medical science.

★

THE CONTEST IS OPEN TO THE ENTIRE PUBLIC

PROMINENT JUDGES Will Select All Winners

Several well-known doctors, newspaper editor, a newspaper advertising man, all who are thoroughly qualified —will be the judges in this contest. Everyone has a chance to win one of the 101 fine prizes.

Remember all you need do is PICK OUT one of the statements (made by one of the seven persons in this ad) and then write in about TWENTY words WHY you think the statement you've selected is the best. Mail your letter NOW!

$50 CASH FIRST PRIZE

--AND 100 HOSPITAL SIZE JARS OF FREEZE-O! Almost A Year's Supply!

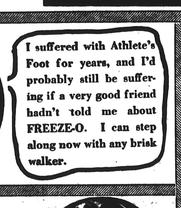
HERE'S ALL YOU DO TO ENTER!

Just select the statement (made by one of the 7 persons below) that you think is BEST — Then WRITE us in just 20 WORDS WHY you think it is BEST!

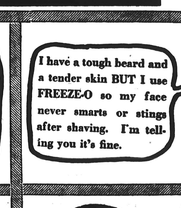
THAT'S ALL YOU DO! NOTHING ELSE!

Prize winning entries will be judged for neatness and their TRUTHFUL advertising value in regards to the merits of FREEZE-O. All entries become the sole property of the FREEZE-O Co. None can be returned.

I suffered with Athlete's Foot for years, and I'd probably still be suffering if a very good friend hadn't told me about FREEZE-O. I can step along now with any brisk walker.



I have a tough beard and a tender skin BUT I use FREEZE-O so my face never smarts or stings after shaving. I'm telling you it's fine.



I love to do my own house work, but dish washing always meant Chapped Hands to me. But I don't mind doing the dishes NOW, because I always have a supply of FREEZE-O in the house.

My skin was sore and irritated by Eczema Itch until I heard about FREEZE-O. Its soothing and healing effects really did wonders for my skin.

I used to have blackheads all over my face but not any more. After I wash my face I dive into the FREEZE-O jar with both hands and rub it all over my face. Boy, FREEZE-O is GOOD!

I haven't been troubled with ugly pimples or rashes since I started to USE that really marvelous skin cream . . . FREEZE-O.

I never bother with soap and messy lather any more. NO, SIR! I use FREEZE-O as a brushless shave. And man, what a cool, smooth, NON-IRRITATING shave I get! Everyone let my supply of FREEZE-O run out.

ALL LETTERS Are To Be Mailed Before FEBRUARY 1st Directly To THE FREEZE-O COMPANY 656-658 WEST BALTIMORE ST. Baltimore, Md.

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THE CONTEST IS OPEN TO THE ENTIRE PUBLIC

ALL 101 WINNERS of the CONTEST will be NOTIFIED as soon after February the First as Possible! ENTER NOW!

Winners of First Prize Will Receive a $50.00 Check by Mail. In case of a tie duplicate awards will be made. Next 100 Winners will Receive Prizes at FREEZE-O Company.

FRAIDIN'S GREASELESS FREEZ-O MEDICATED SKIN CREAM

Full Text of U. S. Supreme Court Decision in Mo. Law School Case

Editorial Page

THE AFRO-AMERICAN

An Independent, Weekly Newspaper

What the AFRO Stands for:

1. Colored policemen, policewomen and firemen.
2. Colored representatives on city, county and State boards of education.
3. Equal salaries for equal work for school teachers without regard to color or sex.
4. Colored members of boards of State institutions where inmates are colored.
5. The organization of labor unions among all groups of colored workers.
6. A university and agricultural college for colored people supported by the State.
7. Closer co-operation between farmers and the State and Federal farm agents.

Sisters of Mercy

Ten years ago, the Mission Helpers, a community of Catholic sisters, surveyed the neighborhood around Biddle and McCulloh Streets, and found that many mothers had no leave their children and babies at home to go out and help make their daily bread.

These sisters could not solve the knotty economic problems of a warped racial situation which left these children and babies without proper care, but they could themselves lend a hand of help and guidance to the children and babies.

The result has been the establishment of one of the best conducted nurseries in the country.

Next Sunday afternoon, Baltimoreans will have an opportunity to express appreciation to these kind sisters of the Catholic Church who have been giving their very lives to this work. The Mission Helpers' Day Nursery will celebrate its tenth birthday with addresses by Archbishop Curley, President Dwight O. W. Holmes and Dr. Francis M. Wood, at the institution, 905 McCulloh Street.

There is perhaps no more beautiful and unselfish evidence of Christianity in the world today than the motherly love poured out in the various works of mercy administered by our Catholic sisters.

Baltimore is proud of their ten years of distinctive service.

The Interracial Commission

In view of the growing importance of interracial adjustments in American democracy, the effort of the Maryland Interracial Commission to secure appropriation for a full-time executive secretary is one which should receive serious consideration at the next State Legislature.

The Maryland commission has done some very effective and valuable work, but this, for the most part, has been the result of extra-time activities of the busy men and women who make up the body. How much more could have been done had the commission had an expert secretary on the job every day, it would be difficult to determine.

No State with a bi-racial setup, as has Maryland, will be able to work out its basic fiscal, educational, and industrial problems without interracial statesmanship.

The proposal, therefore, of the Rev. Asbury Smith and his associates on the commission, to raise the status and efficiency of the commission to that of an all-year-round worker with a full-time executive should get State-wide approval.

We believe it will.

Pertinent Points in High Court Decision

"It is manifest that this discrimination (excluding colored from the Missouri University Law School) if not relieved . . . would constitute a denial of equal protection."

* * *

". . . It appears that the policy of establishing a law school at Lincoln University has not yet ripened into an actual establishment, and it cannot be said that a mere declaration of purpose, still unfulfilled, is enough."

* * *

"The State (Mo.) court stresses the advantages afforded by the law schools of adjacent States . . . Proceeding with its examination of relative advantages, the State court found that the difference in distances to be traveled afforded no substantial ground of complaint and that there was an adequate appropriation to meet the full tuition fees which petitioner would have to pay.

"We think that these matters are beside the point. The basic consideration is not as to what sort of opportunities other States provide, or whether they are as good as those in Missouri, but as to what opportunities Missouri itself furnishes to white students and denies to Negroes solely upon the ground of color."

Dissenting Opinion

No. 57—October Term, 1938

State of Missouri, at the relation of Lloyd Gaines, Petitioner, vs. W Canada, Registrar of the University of Missouri, and the Curators of the University of Missouri.

On writ of Certiorari to the Supreme Court of the State of Missouri.

Separate opinion of Mr. Justice McREYNOLDS.

Considering the disclosures of the record, the Supreme Court of Missouri arrived at a tenable conclusion and its judgment should be affirmed. That court well understood the grave difficulties of the situation and rightly refused to upset the settled legislative policy of the State by directing a mandamus.

Upholds State

In Cumming v. Richmond County Board of Education, 175 U.S. 528, 545, this Court through Mr. Justice Harlan declared:

"The education of the people in schools maintained by State taxation is a matter belonging to the respective States, and any interference on the part of Federal authority with the management of such schools cannot be justified except in the case of a clear and unmistakable disregard of rights secured by the supreme law of the land."

Gong Lum v. Rice, 275 U.S. 78, 85—opinion by Mr. Chief Justice Taft—asserts: "The right and power of the State to regulate the method of providing for the education of its youth at public expense is clear."

"Both Races May Suffer"

For a long time Missouri has acted upon the view that the best interest of her people demands separation of whites and Negroes in schools. Under the opinion just announced, I presume she may abandon her law school and thereby disadvantage her white citizens without improving petitioner's opportunities for legal instruction; or she may break down the settled practice concerning separate schools and thereby, as indicated by experience, damnify both races.

Whether by some other course it may be possible for her to avoid condemnation is matter for conjecture.

The State has offered to provide the Negro petitioner opportunity for study of the law—if perchance that is the thing really desired—by paying his tuition at some nearby school of good standing. This is far from unmistakable disregard of his rights and in the circumstances is enough to satisfy any reasonable demand for specialized training.

It appears that never before has any applicant for admission to the Law School and none has ever asked that Lincoln University provide legal instruction.

Problem Difficult

The problem presented obviously is a difficult and highly practical one. A fair effort to solve it has been made by offering adequate opportunity for study where sought in good faith. The State should not be unduly hampered through theorization inadequately ascertained by experience.

This proceeding commenced in April, 1936. Petitioner then twenty-four years old asked mandamus to compel his admission to the University in September, 1936, notwithstanding plain statutory prohibition.

Mandamus is not a writ of right but is granted only in the court's discretion upon consideration of all the circumstances. Duncan Townsite Company vs. Lane, Secretary of the Interior, 245 U.S. 308, 311; United States ex rel. Arant v. Lane, Secretary of the Interior, 249 U.S. 367, 371.

The Supreme Court of Missouri did not consider the propriety of granting the writ under the theory of the law now advanced here. That, of course, will be matter open for its consideration upon proceeding not inconsistent with this opinion

It is so ordered.

Mr. Justice BUTLER concurs in the above views.

SUPREME COURT OF THE UNITED STATES

No. 57—October Term, 1938

State of Missouri at the relation of Lloyd Gaines, Petitioner, vs. S. W. Canada, Registrar of the University of Missouri, and the Curators of the University of Missouri.

On writ of Certiorari to the Supreme Court of the State of Missouri.

(December 12, 1938)

Mr. Chief Justice HUGHES delivered the opinion of the Court.

Petitioner Lloyd Gaines, a Negro, was refused admission to the School of Law of the State University of Missouri. Asserting that this refusal constituted a denial by the State of the equal protection of the laws in violation of the Fourteenth Amendment of the Federal Constitution, petitioner brought this action for mandamus to compel the curators of the University to admit him.

On final hearing, an alternative writ was quashed and a peremptory writ was denied by the Circuit Court. The Supreme Court of the State affirmed the judgment. 113 S.W. (2d) 783. We granted certiorari.—U.S.—.

Referred to Lincoln

Petitioner is a citizen of Missouri. In August, 1935, he was graduated with the degree of Bachelor of Arts at the Lincoln University, an institution maintained by the State of Missouri for the higher education of Negroes. That University has no law school.

Upon the filing of his application for admission to the law school of the University of Missouri, the registrar advised him to communicate with the president of Lincoln University and the latter directed petitioner's attention to Section 9622 of the Revised Statutes of Missouri (1929), providing as follows:

"Sec. 9622. May arrange for attendance at university of any adjacent State.—Tuition fees.—Pending the full development of the Lincoln University, the board of curators shall have the authority to arrange for the attendance of Negro residents of Missouri at the university of any adjacent State to take any course or to study any subjects provided for at the State university of Missouri, and which are not taught at the Lincoln University and to pay the reasonable tuition fees for such attendance:

"Provided that whenever the board of curators deem it advisable they shall have the power to open any necessary school or department. (Laws 1921, p. 86, No. 31)."

Color Only Bar

Petitioner was advised to apply to the State superintendent of schools for aid under that statute. It was admitted on the trial that petitioner's "work and credits at the Lincoln University would qualify him for admission to the School of Law of the University of Missouri if he were found otherwise eligible."

He was refused admission upon the ground that it was "contrary to the constitution, laws and public policy of the State to admit a Negro as a student in the University of Missouri."

It appears that there are schools of law in contiguous States of the States universities of four adjacent States, Kansas, Nebraska, Iowa and Illinois, which non-resident Negroes are admitted.

No Express Ban

The express and definite conclusions of the State court in construing the pertinent State legislation narrow the issue. The action of the curators, who are representatives of the State in the management of the State university (R.S. Mo., See 9622), must be regarded as state action.

In Missouri ex rel. Hurd v. Gray, 108 U.S. 313, 316, 317; Neal v. Delaware, 103 U.S. 370, 397; Carter v. Texas, 177 U.S. 442, 447; Norris v. Alabama, 294 U.S. 587, 589.)

The State constitution provides that separate free public schools shall be established for the education of children of African descent (Art. XI, Sec. 3), and by statute separate high school facilities are supplied for colored students and for those provided for white students (R.S. Mo., Sec. 9483-9489). While there is no express constitutional provision requiring that the white and Negro races be separated for the purpose of higher education, the State court on a comprehensive review of the State statutes held that it was intended to separate the white and Negro races for that purpose also.

Referring in particular to Lincoln University, the court deemed it to be clear "that the Legislature intended to bring the Lincoln University up to the standard of the University of Missouri, and give to the whites and Negroes an equal opportunity for higher education—the whites at the University of Missouri, and the Negroes at Lincoln University."

Further, the court concluded that the provisions of Section 9622 (above quoted) to the effect that Negro residents "may attend the university of any adjacent State with their tuition paid pending the full development of Lincoln University," made it evident "that the Legislature did not intend that Negroes and whites should attend the same university in this State."

U. of Mo. Policy Cited

In that view it necessarily followed that the curators of the University of Missouri acted in accordance with the policy of the State in denying petitioner admission to its School of Law upon the sole ground of his race.

In answering petitioner's contention that this discrimination constituted a denial of his constitutional right, the State court has fully recognized the obligation of the State to provide Negroes with advantages for higher education substantially equal to the advantages afforded to white students. The State has sought to fulfill that obligation by furnishing equal facilities in separate schools, a method the validity of which has been sustained by our decisions.

(Plessy v. Ferguson, 163 U.S. 537, 544; McCabe v. Atchison, Topeka & Santa Fe Rwy. Co., 235 U.S. 151, 160; Gong Lum v. Rice, 275 U.S. 78, 85, 86. Compare Cumming v. Board of Education, 175 U.S. 528, 544, 545.)

Respondents' counsel have appropriately emphasized the special solicitude of the State for the higher education of Negroes as shown in the establishment of Lincoln University, a State institution well conducted on a plane with the University of Missouri so far as the offered courses are concerned.

It is said that Missouri is a pioneer in that field and is the only State in the Union which has established a separate university for Negroes on the same basis as the State University for white students.

Advantages Denied

But, commendable as is that action, the fact remains that instruction in law for Negroes is not now afforded by the State, either at Lincoln University or elsewhere within the State, and that the State excludes Negroes from the advantages of the law school it has established at the University of Missouri.

It is manifest that this discrimination, if not relieved by the provisions we shall presently discuss, would constitute a denial of equal protection.

Maryland Case Recalled

That was the conclusion of the Court of Appeals of Maryland in circumstances substantially similar in that aspect. University of Maryland v. Murray, 169 Md. 478.

It there appeared that the State of Maryland had "undertaken the function of education in the law" but had "omitted students of one race from the only adequate provision made for it, and omitted them solely because of their color"; that if those students were to be offered "equal treatment in the performance of the function, they must, at present, be admitted to the one school provided." Id., p. 489.

Scholarships Inadequate

A provision for scholarships to enable Negroes to attend colleges outside the State, mainly for the purpose of professional studies, was found to be inadequate (Id., pp. 485, 486) and the question, "whether will aid in any amount is sufficient to send the Negroes outside the State for legal education," the Court of Appeals found it unnecessary to discuss.

Accordingly, a writ of mandamus to admit the applicant was issued to the officers and regents of the University of Maryland as agents of the State entrusted with the conduct of that institution.

The Supreme Court of Missouri in the instant case has distinguished the decision in Maryland upon the grounds—(1) that in Missouri, but not in Maryland, there is "a legislative declaration of a purpose to establish a law school for Negroes at Lincoln University whenever necessary or practicable"; and (2) that "pending the establishment of such a school, adequate provision had been made for the legal education of qualified students in recognized schools outside of this State." 113 S.W. (2d) p. 791.

Facilities Lacking

As to the first ground, it appears that the policy of establishing a law school at Lincoln University has not yet ripened into an actual establishment, and it cannot be said that a mere declaration of purpose, still unfulfilled, is enough.

The provision for legal education at Lincoln is at present entirely lacking. Respondents' counsel urge that if, on the date when petitioner applied for admission to the University of Missouri, he had applied to the State curators of Lincoln University, it would be their duty to establish a law school; that this "agency of the State," to which he should have applied, was "specifically charged with the mandatory duty to furnish him what he seeks."

We do not read the opinion of the Supreme Court as construing the State statute to impose such a "mandatory duty" as the argument seems to assert. The State court quoted the language of Section 9618, R.S. Mo. 1929, set forth in the margin, making it the mandatory duty of the board of curators to establish a law school in Lincoln University whenever necessary and practicable in their opinion."

This qualification of their duty, explicitly stated in the statute, manifestly leaves it to the judgment of the curators to decide when it will be necessary and practicable to establish a law school, and the State court so construed the statute. Emphasizing the discretion of the curators the court said:

"2 Section 9618, R.S. Mo. 1929, is as follows:

"Sec. 9618. Board of curators authorized to reorganize.—The board of curators of the Lincoln University shall be authorized and required to reorganize said institution so that it shall afford to the Negro people of the State opportunity for training up to the standard furnished at the State University of Missouri whenever necessary and practicable in their opinion.

"To this end the board of curators shall be authorized to purchase necessary additional land, erect necessary additional buildings, to provide necessary additional equipment, and to locate, in the county of Cole the respective units of the university where, in their opinion, the various schools will most effectively promote the purposes of this article. (Laws of 1921, p. 86, No. 31)."

No Applicants at LU

"The statute was enacted in 1921. Since its enactment no Negro, not even appellant, has applied to Lincoln University for a law education. This fact demonstrates the wisdom of the legislature; a facility or convenience in the course of his journey which under substantially the same circumstances is furnished to another traveler, he may properly complain that his constitutional privilege has been invaded." Id. pp. 161, 162.

Right Was Personal

Here, petitioner's right was a personal one. It was as an individual that he was entitled to the equal protection of the laws, and the State was bound to furnish him within its borders facilities for legal education substantially equal to those which the State there afforded for persons of the white race, whether or not other Negroes sought the same opportunity.

Provision Temporary

It is urged, however, that the provision for tuition outside the State is a temporary one,—that it is intended to operate merely pending the establishment of a law department for Negroes at Lincoln University.

While in that sense the discrimination may be termed temporary, it may nevertheless continue for an indefinite period by reason of the discretion given to the curators of Lincoln University and the alternative of arranging for tuition in other States, as permitted by the State law as construed by the State court, so long as the curators find it unnecessary and impracticable to provide facilities for the legal instruction of Negroes within the State.

In that view, we cannot regard the discrimination as excused by what is called its temporary character.

State Court in Error

We do not find that the decision of the State court turns on any procedural question. The action was for mandamus, but it does not appear that the remedy would have been deemed inappropriate if the asserted Federal right had been sustained. In that situation the remedy by mandamus was found to be a proper one in University v. Maryland, supra.

In the instant case, the State court did note that petitioner had not applied for mandamus to Lincoln University for legal training. But as we have said, the State court did not rule that it would have been the duty of the curators to grant such an application, but on the contrary, took the view, as we understand it, that the curators were entitled under the State law to refuse such an application and in its stead to provide for petitioner's tuition in an adjacent State.

That conclusion presented the Federal question as to the constitutional adequacy of such a provision while equal opportunity for legal training within the State was not furnished, and this Federal question the State court entertained and passed upon.

We must conclude that in so doing the court denied the Federal right which petitioner set up and the question as to the correctness of that decision is before us.

We are of the opinion that the ruling was error, and that petitioner was entitled to be admitted to the law school of the State University in the absence of other and proper provision for his legal training within the State.

Judgment Reversed

The judgment of the Supreme Court of Missouri is reversed and the cause is remanded for further proceedings not inconsistent with this opinion

It is so ordered.

The High Court Speaks

Dear AFRO:

The objectives of the Douglass High School Parent-Teacher Association are:

(1) To promote child welfare in home, school, church, and community; to raise the standards of home life; to secure adequate law for the care and protection of children.

(2) To bring into closer relation the home and the school that parents and teachers may cooperate intelligently in the training of the child, and to develop between educators and the general public such united efforts as will secure for every child the highest advantages in physical, mental, moral, and spiritual education.

D. M. MICKLE

Baltimore.

ecision in Missouri U. Case Means Equal Opportunity for Pullman Cars and National Guards, Too.

By JOHN JASPER

The case of Gaines vs. Canada (registrar of Missouri University), decided by the U.S. Supreme Court, Monday, by a 6-2 vote, contains vital educational and racial issues that it will be quoted for a generation. The present High Court is liberal. Last week, discussing the outcome of this case, the AFRO-AMERICAN raised the question whether its liberality would be upset by this case. Today, one can answer that question definitely and say no.

Hughes Delivers Opinion

Chief Justice Hughes, speaking for the majority, including Alabama's Mr. Justice Black, decreed that Missouri's State university and its courts erred in barring Lloyd Gaines from its law school on account of his color, and will have to admit him.

In arriving at that decision, it paved its way by laying down some important legal principles.

What It Says

For example, the High Court ruled—

1. That the basic consideration was that Missouri itself was furnishing opportunities to white students which it must provide also for colored.
2. That these opportunities may be furnished separately but equally.
3. That they must be furnished within the State (of Missouri).
4. That they must be furnished, no matter how few the applicants, because even one individual is entitled to equal protection of the law (Fourteenth Amendment).

Pullman Cars Cited

Illustrating this last paragraph, Chief Justice Hughes pointed out that the High Court had in a similar case decided that the limited demand of colored people for accommodations on sleeping, dining and chair cars did not justify a State in permitting the furnishing of such accommodations exclusively for whites.

With one swift dash of the Supreme Court pen, Uncle Sam makes it plain that opportunities—whether by State universities or Pullman cars—must be provided for all citizens, be they white, black, or yellow.

Scope of Decision

Keeping in the Court's decision that it is immediately evident that it goes beyond law schools and railway cars to include State-supported colleges, medical, art, and music schools, to National Guard and Civil Service or any other "opportunity" offered citizens by any State.

Of course, conservative Justices Pierce and Butler dissented.

NAACP Lawyers

Lawyers for Lloyd Gaines were furnished by the National Association for the Advancement of Colored People. They were colored lawyers, winning their third straight victory before the U.S. Supreme Court.

The High Court must have been impressed with the fact that colored men able to argue their cases ably and adequately were entitled to study at any State university. As the AFRO has repeatedly said: "Nobody can save our souls for us. We must save them for ourselves or perish."

Garland Fund

Back of the NAACP's briefs filed in the Gaines case were several years of study of discriminatory school laws, financed by the Garland Fund. That study, assembling laws and opinions and recommending procedures, is in itself a monumental document, which is at the basis of the association's suits in many States attacking discrimination in teachers' salaries and school terms, school transportation and school accommodations.

Maryland Enjoined

It is significant that while the U.S. Supreme Court was handing down its decision in the Gaines vs. Canada case, the NAACP was filing in the U.S. District Court of Maryland an injunction to hold up the State's equalization fund and declare the present unequal teachers' pay law unconstitutional.

Similar suits are pending and may be filed any day in Virginia, Florida and Alabama, where teachers themselves are raising funds to prosecute them.

Murray Case

Significant is it, also, that three years ago Maryland courts, high and low, ruled in a case similar to Lloyd Gaines's—that Donald Murray must be admitted to the University of Maryland Law School.

Chief Justice Hughes quoted freely from the Murray case in his decision on Tuesday.

Murray has since graduated from the University of Maryland Law School, and Calvin Douglass, who was University graduate, is now enrolled there.

Reassurance

Reassuring "some of the Southern States which have hitherto refused colored students enrollment," the Baltimore Evening Sun declares: "Perhaps other law schools may find that admission of Negroes would occasion no disturbance."

P.T.A. Objectives

Pertinent Points

"The admissibility of laws separating the races in the employment of privileges afforded by the State rests wholly upon the equality of the privileges which the laws give to the separated groups within the State."

* * *

"By the operation of the laws of Missouri a privilege has been created for white law students which is denied to Negroes by reason of their race . . . That is denial of the equality of legal right to the enjoyment of the privilege which the State has set up, and the provision for the payment of tuition fees in another State does not remove the discrimination."

* * *

". . . The obligation of the State to give the protection of equal laws can be performed only where its laws operate, that is, within its own jurisdiction . . . That obligation is imposed by the Constitution upon the States severally . . ."

* * *

"We find it impossible to conclude that what otherwise would be an unconstitutional discrimination, with respect to the legal right to the enjoyment of opportunities within the State, can be justified by requiring resort to opportunities elsewhere . . ."

* * *

"We cannot regard the fact that there is but a limited demand in Missouri for legal education of Negroes as excusing the discrimination in favor of whites."

* * *

"If the individual is denied equal protection of the laws, and if he is denied by a common carrier, acting under the authority of the State law, a facility or convenience in the course of his journey which under substantially the same circumstances is furnished another traveler, he may properly complain that his constitutional privileges have been invaded."

Retains Place on Wilberforce Board

CINCINNATI — (ANP) — Miss Elsie H. Austin, assistant attorney general, whose term as a trustee of Wilberforce University expired June 30, still retains this rating as a holdover according to the ruling last week of Attorney General Herbert S. Duffy.

In declaring illegal Governor Martin Davey's appointment of the Rev. Joseph Gomez, Cleveland minister, as Miss Austin's successor, Duffy held that the pastor's selection after the senate adjourned could not be called a "recess" appointment.

Gaines Case Makes Three in Row

WASHINGTON

The Gaines case makes three victories in a row by Dr. Charles H. Houston and NAACP attorneys in the U.S. Supreme Court. The other two were Jess Hollins vs. Oklahoma and Hale vs. Kentucky.

NAACP officials told the AFRO that they were particularly glad the High Court upheld the position of the Maryland Court of Appeals, because if the decision had been the other way, every Southern State would have been laughing at Maryland and accusing that State of being yellow and afraid of colored people.

As it is, they said the position of the Maryland Court of Appeals was prophetic.