# AMERICAN SENTINEL.

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UM. WESTMINSTER, MD., FRIDAY AFTERNOON, NOVEMBER 4, 1910. VOL. 79--NO. 44.



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**$7.50, $10, $12.50, $15 and up**

Largest collection of suits and Coats and most attractive prices ever shown here at above prices.

Materials include fine worsteds hand twisted serges. Fancy scotch mixtures and novelty suitings in Black, Navy Brown, Gray and fancy colorings.

Coats are thoroughly well tailored and are made in single and double breasted. Semi-fitted models, with manish collars, single and double vented back, while the linings are of excellent satin in self color or silver gray.

We make suits and coats to fit the stout person as well as the slender ones. No advance in prices. FIT GUARANTEED.

**Decorative and Household Linens and Blankets**

**Including Renaissance Scarfs, Squares and Center Pieces**

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| Mexican Scarfs, Squares and center pieces | | |
| Hemstitched " " " " " | | |
| Plain Linen | | 25c |
| Mercerized Table Damask | | 70 inches wide 59c up |
| Bleached Linen " " | | 98c up |
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| Crochet Bed Spread | $1.25 quality | 98c |
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**Over Coats and Suits, Underwear, Heavy Hosiery, Wool Shirts, Leggins, Mufflers, Gloves, Gloves, Pulse Warmers, Toques, Fascinators, Infants' Caps and Sacques, Outing Flannel Gowns, Bath Robes and Sweaters**

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25c Salad Dishes 13c

November 4. 1910 25 17



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I have disposed of all shop worn goods and moved into my new quarters in the **Main-Court Inn,** and am now prepared to furnish my customers with the

**Best Fancy and Staple Groceries, Wines, Liquors and Bottled Beer**

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**Headley's Chocolates. Cigars and Tobacco.**

FREE DELIVERY in City. East Main St.

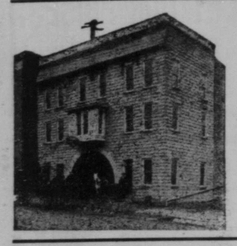
C. & P. Phone, 205-R.

Respectfully,

HARRY GOSNELL.

March 25 1910 6 3





**The Only Electric Light**

RUBBER-TIRE Carriage for Weddings and other special occasions, Tally-Ho, Traps etc., and the ONLY HANSOM in the county, can be had at the

**Palace Stables, Westminster, Maryland.**

where you will find everything first class and up to date. Ladies' Waiting-room. Both Phones. 60-62-64 East Main St.

**Baby Has Nerves Like Grown Folks—**

Respect them. Baby can not tell you what is the trouble. Soothe the restless infant with

**DR. FAHRNEY'S TEETHING SYRUP**

and he will sleep well, eat well and act well. This famous remedy is mother's best friend. It prevents Cholera Infantum, cures bowel complaints and Colic, makes Teething easy and safe. Can be given to babies one day old. 25 cents at druggists. Trial bottle free if you mention this paper.

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"Secrets of Grave Yards and Crematoriums Revealed." 185 Pages, 24 Illustrations. Tells you more of the future than Mediums, Clairvoyants or Palmists know. Messages from the Spirit world. Communications from your loved ones. Tells the meaning of Dreams. How one buried alive was saved by Mental Telepathy. Key to Ruling Planets. Lucky dates for Marriage or Business Transactions. Know what is the future for you. Only Book of its kind ever published. Sent to any address. Price $1.00. Money refunded if not satisfactory. Write plainly. Book will be sent in plain wrapper confidential.

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## LIST OF OFFICIAL NOMINATIONS.

OFFICE OF THE BOARD OF SUPERVISORS OF ELECTION OF CARROLL COUNTY. MD., WESTMINSTER, MD., OCTOBER 19, 1910.

In compliance with the provision of Section 48 of Article 33 of the Code of Public General Laws of the State of Maryland, notice is hereby given that the hereinafter named persons have been nominated for the office under which their names appear, certificates of their nominations for said office having been duly filed with the Board of Supervisors of Election of Carroll County, as required by law.

### SAMPLE BALLOT.

For Representative in the Sixty-Second Congress of the United States from the Second Congressional District of Maryland.

VOTE FOR ONE.

| | | |
|---|---|---|
| WILLIAM B. BAKER, HARFORD COUNTY. | REPUBLICAN. | |
| HARRY E. GILBERT, BALTIMORE COUNTY. | PROHIBITION. | |
| CHARLES W. SMILEY, BALTIMORE COUNTY. | SOCIALIST. | |
| JOSHUA FREDERICK C. TALBOTT, BALTIMORE COUNTY. | DEMOCRATIC. | |

JOHN M. ROBERTS, President;
HENRY S. MUSSELMAN,
WILLIAM WOOD,
The Board of Supervisors of Election of Carroll County.

TEST:—SAMUEL J. STONE, Clerk.

## Notice of Election.

Notice is hereby given, in accordance with and pursuant to Section 14, of Article 33, of the Code of Public General Laws of the State of Maryland, to the qualified voters of Carroll County, that an election will be held in the several precincts and election districts of Carroll County, Maryland,

**on the First Tuesday after the First Monday in November, 1910, it being the 8th day of said month,**

at the following places in the several precincts and districts, to-wit:

District No. 1, First Precinct—In Firemen's Building, on Baltimore street, in Taneytown.

District No. 1, Second Precinct—In Eckenrode's Shop, on Church street, in Taneytown.

District No. 2, First Precinct—At Johnson Hollenberry's Store room, in Uniontown.

District No. 2, Second Precinct—In the residence of Thomas Eckard, in Tyrone.

District No. 3—At the Mystic Chain Hall, in Silver Run.

District No. 4, First Precinct—At the Old Hotel Property, in Sandyville, owned by Lewis W. Caple.

District No. 4, Second Precinct—In the residence of Lewis Barber, in Bird Hill.

District No. 5—In the building of Selby & Frizzell, in Eldersburg.

District No. 6, First Precinct—In the Firemen's Building, in Manchester.

District No 6, Second Precinct -In the vacant room adjoining the residence of Miss Sarah C. Trump, in Manchester.

District No. 7, First Precinct—In James Boylan's Barbershop, on Court street, in Westminster.

District No 7, Second Precinct—In the room occupied by Lawrence E. Bauer, adjoining Smith & Reifsnider, Westminster.

District No. 7, Third Precinct—In the building formerly used by Robert Frizzell as a Hotel, opposite Albaugh Building, on Main street, in Westminster.

District No. 7, Fourth Precinct—At the Lumber, Coal & Supply Co's Building, corner Green and Liberty streets.

District No. 8—At the Firemen's Building, in Hampstead.

District No. 9—At the residence of Mrs. Malinda Smith, in Taylorsville.

District No. 10—At the Hotel of Mrs. Lynn, in Middleburg.

District No. 11—At the shop of Jacob Frounfelter, in New Windsor.

District No. 12—At the Firemen's Building, in Union Bridge.

District No. 13—Mt. Airy Lumber and Grain Company Mt. Airy.

District No. 14—In the residence of John Conaway, in Berret.

For the purpose of voting for

ONE PERSON

for Representative in the Sixty-second Congress of the United States from the Second Congressional District of Marylond.

Polls open at 8 o'clock a. m. and close at 6 o'clock p. m.

The Judges of Election are directed to make their returns of the election before 12 o'clock, noon, on the second day (Thursday) after said election as provided and required by Sections 76 and 79, inclusive, of the Election Laws.

JOHN M. ROBERTS, Pres.;
HENRY S. MUSSELMAN,
WILLIAM WOOD,
Board of Supervisors of Election for Carroll County.

Test:—Sam'l. J. Stone, Clerk.

oct 21 3t

NO. 4559 EQUITY.

In the Circuit Court for Carroll County, in Equity.

John Shaffer, Plaintiff vs. Obadiah Buckingham, Admr. et al. Defendants.

Ordered this 28th day of October, 1910, by the Circuit Court for Carroll county, sitting as a Court of Equity, that the sale of the property mentioned in these proceedings, made and reported by Obadiah Buckingham, trustee, appointed by decree of this Court to make said sale, be ratified and confirmed unless cause to the contrary be shown on or before the 28th day of November, 1910, provided a copy of this order be inserted in some newspaper published in Carroll county once a week in each of three successive weeks before the 21st day of November, 1910. The report states the amount of sale to be $1525.

OSCAR D. GILBERT, Clerk.

True copy—Test:
oct 28 3t OSCAR D. GILBERT, Clerk.

**Public Sale of Household and Kitchen Furniture.**

The undersigned desiring to dispose of some of her Furniture will offer at Public Sale at her residence on E. Main street, Westminster, Md., on

SATURDAY, NOVEMBER 5th, 1910,

at 12 M., a lot of Household and Kitchen Furniture. Terms cash. For particulars see hand bills.

oct 21 3t MRS. JAS. W. LOCKARD.

**NOTICE TO HOTEL KEEPERS AND ALL OTHERS WHO DEAL IN LIQUORS.**

For the information of all persons concerned, the following Act of the Legislature, passed March 24th, 1865, is published:

CHAPTER 191.

AN ACT prohibiting the sale of spirituous or fermented liquors in the several counties of the State on the day of election.

SEC. 1. Be it enacted by the General Assembly of Maryland, That it shall not be lawful for the keeper of any hotel, tavern, store, drinking establishment, or any other place where liquors are sold, or for any person or persons, directly or indirectly, to sell barter, give or dispose of any spirituous or fermented liquors, ale, beer or intoxicating drinks of any kind, on the days of election hereafter to be held in the several counties of the State.

SEC. 2. And be it enacted, That any person violating the provisions of this Act shall be liable to indictment by the Grand Jury of the county where the offence is committed, and shall upon conviction, before any Judge of any of the Circuit Courts of this State, be fined a sum not less than fifty dollars nor more than one hundred dollars for each and every offence—one-half the fine shall be paid to the informer, the other half to the County Commissioners, for the use of public roads.

BENJAMIN D. KEMPER,
oct 28 2t Sheriff of Carroll county.

**ORDER OF PUBLICATION.**

No. 4565 EQUITY.

In the Circuit Court for Carroll County.

Willard E. Buckingham and B. Buckingham his wife, vs. Theodore Gayhardt and Rosa Gayhardt his wife.

The object of the Petition in this case is the adoption of Francis Gayhardt, a minor, and to have said minor's name changed to Bernard Eugene Buckingham.

It alleges that the Petitioners, Willard E. Buckingham and B. Buckingham, of Carroll County, are desirous of adopting said minor, that Rosa Gayhardt, the mother of said minor, is a resident of Baltimore City, that Theodore Gayhardt, the father of said minor, has deserted the said Rosa Gayhardt and that his whereabouts are to the Petitioners unknown.

It is thereupon this 24th day of October, 1910, by the Circuit Court of Carroll County, in Equity, ordered that the Petitioners cause a copy of this order with the object and substance of the petition to be inserted in some newspaper published in Carroll County once a week for two successive weeks on or before the 14th day of November, 1910, giving notice to the said Theodore Gayhardt to appear in this Court in person, or by Solicitor, on or before the 28th day of November, 1910, to show cause, if any he have, why a decree should not be passed as prayed.

WM. H. THOMAS.

True Copy,—Test:
OSCAR D. GILBERT, Clerk.

oct 28 2t

NO. 4540 EQUITY.

In the Circuit Court for Carroll County sitting in Equity.

William B. Nelson et al, Plaintiffs vs. John F. Nelson, et al, Defendants.

Ordered this 28th day of October, A. D. 1910, that the sales of the properties mentioned in these proceedings made and reported by William B. Nelson and Edward O. Weant, trustees, be ratified and confirmed, unless cause to the contrary thereof be shown on or before the 28th day of November next; provided a copy of this order be inserted in some newspaper printed and published in Carroll county, once in each of three successive weeks before the 21st day of November, next. The report states the amount of sales to be $10,847.16.

OSCAR D. GILBERT, Clerk.

True copy—Test:
OSCAR D. GILBERT, Clerk. oct 28 3t

**WARNING NOTICE.**

All persons are hereby warned not to trespass upon my farm or premises, by hunting with dog or gun, by trapping, or in any other manner, as I will enforce the law against all offenders.

oct 28 3t* J. D. NUSBAUM.

**WARNING NOTICE.**

All persons are hereby warned not to trespass upon our farms or premises, by hunting with dog or gun, by trapping, or in any other manner, as we will enforce the law against all offenders.

Lewis Green, Sr. Peter Ritz,
Henry R. Mathias. oct 28 3t*


**PAPER HANGING.**

Having purchased the business of Mr. Leander Gladhill, I am now prepared to do

**PAPER HANGING**

in all styles. Call to see my samples.

HERSHAL G. SHIPLEY,
48 W. Main St., Westminster, Md.
jy 29 1y* C. & P. Phone.


**FOR SALE.**

One Second Hand New Golden Sun Heater, 1 Second Hand New Home Range, 1 Second Hand Iron Bath Tub. All the above in first-class order and at very reasonable prices.

Apply to D. L. FARRAR,
set 16 tf Westminster, Md.

**COMMUNICATION** with the departed proves that the human soul does not perish at death. Ever read about it?

### THE VOICES OF YESTERDAY

(Charleston News and Courier)

It makes little difference in what environment our lives are spent, we are all influenced in varying degrees by memories of the past. Out of the silence of years forever gone familiar voices reach us with strange insistence and make us wonder sometimes if the past is as dead as we have believed it to be or, if the flight of time is as rapid as our human calculations record it. To those of us who look back upon a past whose springtime, influenced by watchful care, gave promise of a rich fruition, the present must ever appeal with special significance and make us question ourselves as to whether or not we have fulfilled the expectations of those early days. Of course, our lives do not always run in the even channels marked out for us by those solicitous for our welfare, and restless currents often sweep us into broad streams flowing we know not where, but even so the influence for good which once so carefully emphasized the better side of life, and which sought to turn our minds away from those unworthy interests which make up so large a part of existence, should not necessarily be forgotten, and cannot be completely forgotten, in the stress of untried conditions. Fortunate is he who does not fear to apply the simple rule of his early training to the solution of his later problems. The conditions may have changed for him in no small degree, and the circumstances of his life may continually present unknown propositions which he must master for himself, but after all we are working to one general end and the principles which served us to so good a purpose in early life can be depended upon in our later years.

### OLD AGE AND HUMAN USEFULNESS

(Milwaukee Wisconsin)

At what age are men at their best? The pessimistic theory attributed to Dr. Osler, which he afterward repudiated, that the golden age is 35 or thereabouts, that it is followed inevitably by waning powers, and that there should be provision for chloroforming all who threaten to survive the age of 60, has never had many serious adherents. It is generally conceded that 35 is rather the beginning than the end of the prime of life, and that the vigorous human individual who lives sanely and cheerfully may do more in some important fields of activity after he has acquired the ripe judgment that comes with experience than in the heyday of the thirties and forties.

Dr. T. M. Crothers, of Hartford, Ct., has come forward with a declaration that is quite as interesting as the one Dr. Osler disowned, and that ought to attract equally wide attention. He says that "there are many reasons for believing that we carry around with us great reserve powers, and unknown energies which are seldom used, and that in old age appeal to these powers may give a certain vigor entirely unexpected which lengthens out life and practically overcomes disease." He also says that "the man past 60 and from that on to 80 ought to be at his very best because life is then no experiment, and he has attained a position where he can use all his powers to the best advantage." Dr. Crothers insists that there is no theory in this, but that it "is sustained by a great variety of facts which fortunately are becoming more realized as the years go by."

### CHESTNUT BLIGHT IN PENNSYLVANIA

(Ardmore Cor. Philadelphia Record)

Hundreds of giant trees have been obliged to bow to the woodman's ax and heroic treatment has been applied to thousands of others in the effort to stay the sway of the death dealing disease familiarly known as the chestnut blight in the campaign inaugurated three weeks ago by a corps of the State Forestry Department.

In this brief period, and in the attempt to check the ravages of the disease that in epidemic form threatened to wipe out the vast chestnut groves of Eastern Pennsylvania, and particularly in the suburban section of Philadelphia, 10,000 trees have been examined in the neighborhood of Ardmore, Haverford and Bryn Mawr. The alarming extent to which this blight had invaded this section is shown in the reports of these forestry experts, for examinations in minute detail reveal the fact that no less than 50 per cent of the trees in these great groves are infected. In some forests as high as 90 per cent has been noted.

**WARNING NOTICE.**

All persons are hereby warned not to trespass upon our farms or premises, by hunting with dog or gun, by trapping, or in any other manner, as we will enforce the law against all offenders.

Theodore Cummings,
Mrs. Sophia Skidmore,
oct 21 3t Thomas Farver.

# FEDERAL LAW IS SUPREME

## Annapolis Grandfather Act Invalid

## SWEEPING DECISION

### Judge Morris Overules Demurrer of Registers

### THE SUITS FOR DAMAGES LIE

In an elaborate opinion handed down on Friday last by Judge Thomas J. Morris, of the United States Circuit Court, the demurrer filed by counsel for the registers of election at Annapolis, who refused to enroll colored men because of the Grandfather law passed by the Maryland Legislature, is overruled and the plaintiffs, who sue for damages, are justified in asking for redress. The court also holds that the federal tribunal has jurisdiction, inasmuch as the act violates the Fifteenth Amendment, which Congress, by statute, is authorized to enforce.

The effect of this decision is far reaching, and if sustained by the higher tribunal to which it will be taken, will void all of the other Grandfather laws lately enacted, and which apply to Crisfield, Princess Anne, LaPlata and other municipal corporations in Maryland. It also renders invalid the Diggs amendment which is to be submitted to the voters at the general election next year.

Mr. Gans, who, with Mr. Bonaparte, represented the plaintiffs in the case, said that the decision settled once and for all the question of negro disfranchisement in Maryland. Said he: "There may be an appeal from the damages awarded, but the constitutional question is settled for this state."

**Of National Importance**

Continuing, Mr. Gans said: "This decision is of national importance and of especial significance for the Southern States, where attempts to disfranchise the negro have been made ever since Arthur P. Gorman was a candidate for his second re-election to the United States Senate. The case involved the right of the colored men to vote in the city election at Annapolis. The act of 1908 provided for a new registration in that city, and attempted to discriminate indirectly against the colored man, pretty much the same as the Poe and other amendments brought before the people of Maryland. The decision of Judge Morris is the first directly deciding the question. Similar questions have been brought before the United States Supreme Court, but the court in every instance declared that the questions were improperly raised, and for that reason there has never been a decision by that tribunal. This decision practically kills all attempts to disfranchise the colored voters in this indirect way and the Fifteenth Amendment precludes any direct way of disfranchising them."

The original action brought against the Annapolis registers was based on their refusal to register three colored men because they could not comply with the provision which required them to have been able to vote in 1868, or if not then, that their ancestors must have been eligible to vote. Anderson, one of the colored men, could not have voted at that time because of his race and color and Howard and Brown, two others, were denied registration because their father and grandfather respectively could not, on account of race and color, have so voted.

The point was then made that in refusing to enroll these men and depriving them of their right to vote, the registers had violated the Fifteenth Amendment, the plaintiffs having met every other requirement of the law entitling them to registration.

**The Demurrer**

To these declarations the defendants interposed a demurrer on the following grounds:

1. That said declaration is insufficient in law and bad in substance.

2. That said declaration fails to show any ground of jurisdiction in this honorable court over or in respect to the parties, matters and things set forth therein.

3. That by the laws under which the defendants were appointed and acting were of a judicial nature, and that they could not be held legally responsible or anything more than an honest, faithful exercise of judgment, and as there was no allegation of malice in their refusal to register the men, they were not liable.

4. That as the declaration avers that the law itself is unconstitutional and void, the registers had no authority and were charged with no duty to register the plaintiffs and were not, therefore, legally liable.

5. That the registers could not have acted otherwise without incurring the criminal penalties imposed for a violation of the act.

**Right of Action**

Passing on the first proposition, that the declarations are insufficient in law because they do not allege malice, the court says:

It is true that in refusing registration to the plaintiffs the registers were acting in their official capacity, and that by the law of Maryland under which they were acting they were required to refuse registration to the plaintiffs. But, in my judgment, there are two considerations which affect this defense.

If the provision of the state law under which they acted in refusing registration is a void provision, it affords them no protection; and if by a valid law of the United States a right of action is given to the plaintiffs as a remedy for denial of registration, then their right of action is based upon such valid law and is referable to it and governed by its terms.

The consideration of the question whether or not the provision of the Maryland law under and by virtue of which the plaintiffs were denied registration and, in consequence, denied the right to vote, is a valid provision, lies at the foundation of these suits and must of necessity be dealt with at the threshold.

The court then cited sections 1 and 2 of the Fifteenth Amendment, and followed with Section 2004 of the Revised Statutes, which act Congress passed to enforce the amendment. Continuing, the court referred to Section 1979 of the Revised Statutes, which makes a person depriving another of his rights and privileges liable in any action for redress. Lastly, the court quoted clause 16 of Section 629 of the Revised Statutes, giving to Circuit Courts original jurisdiction in all such cases.

**Intent of the Law**

Basing his decision on these laws, the court proceeds as follows:

Prior to January 1, 1868, by the Constitution of Maryland, only "white" male citizens of the United States having the required length of residence were entitled to vote, and therefore, by the letter of the Maryland law, prior to January 1, 1868, the plaintiff, Anderson, being a black man, was not entitled to vote; and Howard and Brown, not being descendants from persons who, being "white" were entitled to vote: were likewise not entitled to vote: and the defendants, upon that ground solely, denied to the plaintiffs registration.

Upon this state of facts and of the supreme law of the land, have not the defendants, contrary to that law, discriminated against the plaintiffs in denying to them the right to vote because of their race and color, and have not the statutes enacted for that purpose given them a right of action?

It is true that the words "race" and "color" are not used in the statutes of Maryland, but the meaning of the law is as plain as if the very words had been made use of; and it is the meaning, intention and effect of the law, and not its phraseology, which is important. No other possible means for this provision has been suggested except the discrimination which by it is plainly indicated.

This being so, what is the effect of the Fifteenth Amendment? It is declared by the Supreme Court to have the effect of obliterating from the statutes so much of their provisions as creates the forbidden discrimination. —Neal vs. Delaware, 102 U. S. 370.

The court quoted a decision by Chief Justice Waite in the case of the United State vs. Reese and another by Justice Miller in Ex-Parte Farbough, in which it is held that there is a limitation in the power of the states on their exercise of the rights to prescribe qualifications of voters in their own elections, and while the Fifteenth Amendment does not give to the colored man an affirmative right to vote it prohibits discrimination against him. The court then says:

That the Fifteenth Amendment has proprio vigore, the effect of eliminating the qualifying adjective "white" from all State Constitutions and Laws in fixing the qualifications of voters has been fully recognized by the Court of Appeals of Maryland in numerous cases. Schaeffer vs. Gilbert, 73 Md., 66; Southerland vs. Norris, 74 Md., 326; Hanna vs. Young, 84 Md., 179; Pope vs. Williams, 98, Md., 59.

**Registers are Liable**

It is therefore apparent that in enforcing the discriminating provisions of the state statute, the registers were doing and intended to do an act forbidden by the supreme law of the land and for doing which the state statutes could afford them no protection.

It is suggested in argument that if the clause in question of the Maryland statute, is, by the Fifteenth Amendment, rendered invalid, the whole statute falls with it and the registers had no power to register anyone under it. This was held in Giles vs. Harris, 189, U. S., 475, where the complainant alleged that the whole registration scheme of the Alabama Constitution of the United States was void, and asked the court in an equity suit to so declare at the same time, asking the court to decree that the complainant be registered. The court held that if the complainant's contention was sustained and the whole scheme declared void, there was no warrant of law for registering him at all.

The plaintiffs make no such allegation or contentiou in this case. The law is recognized as valid in all its provisions, except the one which discriminates; and the plaintiffs allege that but for that discriminating clause, they would have been entitled to register.

We are now to consider whether it was a requisite of good pleading that the declaration should allege that the defendant acted wilfully, maliciously, fraudulently or corruptly in order to render them legally liable to these suits, which are brought to enforce the statutory remedy given by Section 2004 and Section 1979.

It is to be observed that there can be no right of action under the Fifteenth Amendment and these sections of the Revised Statutes, unless a discrimination and denial was in pursuance of a state law.

Therefore, if the defendant's contentions could be upheld, the defendant in such a suit could always plead that he did not act maliciously or willfully or in bad faith, because he was acting in obedience to the laws of the state.

The purpose of Congress in these sections is distinctly stated to be to give a right of action and an effective safeguard against privation of a right by the enforcing of a statute of the state; and when it says (Section 1979) that "Every person whom under color of any statute of any state, subjects or causes to be subjected any citizen of the United States to deprivation of any right, privilege or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law," what can it mean but that the enforcement of the state law is in itself the wrong which gives rise to the cause of action? Now, could it be made to appear that the officer appointed to enforce a state law was guilty of malice in doing what the state law commanded him to do?

**Against Black Men**

The common sense of the situation would seem to be that the law forbidding the deprivation or abridgement of the right to vote on account of race, color or previous condition of servitude being the supreme law, any state law commanding such deprivation or abridgement is nugatory and is not to be obeyed by anyone; and anyone who does enforce it does so at his own peril and is made liable to an action for damages by the simple act of enforcing a void law to the injury of the plaintiff in the suit, and no allegation of malice need be alleged or proved.

There are restrictions to the right of voting which might, in fact operate to exclude all colored men which would not be open to the objections of discrimination on account of race or color. As for instance, it is supposable that a property qualification might, in fact, result, in some localities, in all colored men being excluded; and the same might be the result, in some localities from an educational test; and it could not be said although that was the result intended, that it was a discrimination on account of race or color; but would be referable to a different test. But looking at the constitution and laws of Maryland prior to January 1, 1869, how can it be said with any show of reason that any but the white man could vote then—and how can the court close its eyes to the obvious fact that it is for that reason solely that the test is inserted in the Maryland Acts of 1908, and is not the court to take notice of the fact that during all the 40 years since the adoption of the Fifteenth Amendment, colored men have been allowed to register and vote in Maryland until the enactment of the Maryland statute in 1908?

It was primarily the right of suffrage which was to be protected as against any restrictive legislation of the states which was the subject matter dealt with by the Fifteenth Amendment and the Revised Statutes; and considering the purpose of the law, it does not seem that any other construction can be defensible. United States vs. Reese, 92 U. S., 214-218.

**Federal Jurisdiction**

It is urged by the defendant that the inhibitions of the Fifteenth Amendment against the denial of the right to vote of the citizens of the United States on account of race or color, must be held to apply only to the right to vote at congressional elections, derived from the United States, and does not apply to the right to vote at state or municipal elections given by the state.

The fifteenth Amendment was proclaimed March 30, 1870, and by act of May 31, 1870, Congress undertook to exercise the powers it understood were granted it by the amendment, and passed the act, now Section 2004, providing expressively that all citizens of the United States, otherwise qualified, should be entitled and allowed to vote at all elections in any state, territories, county, city, without distinction of race or color, any constitution, law, custom, usage or regulations of any state to the contrary, notwithstanding.

Nothing in the way of interpretation by the legislative body which itself has framed, the amendment could be more significant than this enactment, passed by Congress immediately upon its adoption. I do not find in the case cited from the Supreme Court anything opposed to that interpretation. It seems clear that when, by the Fifteenth Amendment, it is declared that the right of citizens of the United States to vote, shall not be denied or abridged by any state on account of race or color, it means what Congress understood it to mean, namely the right to vote at all public elections.

It is further urged by the defendants that if the Fifteenth Amendment be construed as forbidding discrimination at the state and municipal elections, it is beyond the power of the states to so amend it, and therefore it should not receive that construction.

I do not appreciate the force of this contention.

**Demurrer Overruled**

That amendment declaring all persons born in the United States to be citizens of the United States and of the state wherein they reside, without discrimination on account of race or color is beyond the amending power, is not suggested; and if so, it cannot be reasonably maintained that to declare that such citizens shall not be deprived of the privilege of suffrage because of race or color, is beyond the amending power. One follows from the other.

It is my judgment that each of the declarations states a case in which the right of action is validly given by the Constitution and laws of the United States and that the demurrer should be overruled.

### A FARM MEMORY

By Strickland Gillilan in the Baltimore Evening Sun, October 10, 1910.

The other day, drifting along the Valley road to Loch Raven, I saw a field full of corn-shocks, and the memories called up by those rustling shocks were largely painful.

I could feel every sensation that accompanies the process of corn-cutting and shocking. I remember in the old days, when the blades of the corn would begin to get rustly and a tang of fall was in the air and the Spanish needles were good and ripe so they would use a fellow's pants for a pincushion, we used to get out the corn-knives and hike for the grindstone under the grape trellis. Usually the corn-knives were made from portions of worn-out and discarded scythes, but sometimes it was a real "boughten" corn-knife. If it was made from an old scythe blade, a piece of wood or a corn-cob was used as a handle.

After a few hours of back-breaking work over the grindstone, when father at last pronounced the edges good, we sallied forth to do battle with the hosts of maize. Each fellow would as lief have thought of swapping toothbrushes with a stranger as of exchanging corn-knives. The weapon was so intimately a part of the sweep of a fellow's right arm that each of us felt as knights of old felt toward their good broadswords. None other would do.

But did we go in our ordinary working clothes, when we went to cut corn? Well, I should say not. We would take something to bind around the neck. Tell you what was mighty good—an old paper collar turned upside down. That was the thing. It kept the dry, sharp-edged blades from sawing into your neck, better than anything else would do it. But if you didn't happen to have a spare paper collar, an old rag of some sort would do. And an old shirt sleeve put on the outside your real shirt sleeve to keep it from wearing through and cutting your arm. Wow, but those corn-blades were certainly fierce. They'd cut like a knife blade if they got a good, sliding whack at a tender spot.

And your overalls—worst ones you had! Worst ones you had! "Wearin' yer good pants to cut corn in? Crazy!" Those old ones that you had thought you'd thrown away last spring but mother put aside for corn-cutting. She knew. She'd been through more corn-cutting times than you had, and had remembered 'em, if she was "only a woman." She knew they'd do to protect your others from the onslaught of those same slicing blades. So you put 'em on, pull on an old soft hat with the band off, flop the brim down over over your eyes and neck as much as possible, and there you are, ready for your long joust at paukerai with the armies of King Corn.

Pretty soon, while your'e whacking away, you jerk your hand from where it is, maybe drop your corn-knife, and say—well, maybe we'd better not go into this matter of what you say. This is a family newspaper. But you look at the back of your haud, and there are a whole lot—a double row—of fine, red, pricked places that burn like fire. What did that? O, you ignoramus—or ignorama, according to sex—did you never see a stinging worm? You get right busy, gritting your teeth meanwhile, to find that rascal—there he is on the reverse side of that green blade! He is about an inch long, maybe, with a horn at each corner, green except for a brown, oval lagoon in the center of his back, and a row of stingy prickles extends from horn to horn, endwise. The horns also are covered with prickles, each a poisoned rapier. There's also another kind, built like a scrub-brush, with stingy prickles all over and none of the decorations. And he's bigger, too, consarn him! And can sting just as hard in proportion to his heft.

Lucky he didn't get you right below the ear!

Twelve hills square, usually and how long the walk seemed, with the farthest stalks, toward night! But the smell of the corn, and the appetite, and the rest of it almost—I say almost," even after the lapse of many years!—made up for the scratches and the raw places and the pants full of Spanish needles, and the backache and the blisters on your hands.

O, the good old days! How glad I am that I lived through them and am still through them!

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