A Classified Ad in The Enterprise will bring the desired result. 25 cents an insertion.

The Enterprise.

Lindy's alma mater, University of Wisconsin, will award him a "W" for his record broad jump.

VOL. XXXIV. NO. 37. CHESTERTOWN, MD., WEDNESDAY, JUNE 15, 1927 $1.00 A YEAR IN ADVANCE

Bond Issue Victory Upheld By Court

OUT OF THE FRYING PAN

Nell C. Westcott

Great tales swirled around town after the Annapolis excursion. One man is said to have melted off six pounds of weight during the long march. It seems he wore his winter XYZs and carried his summer BVDs in a package. When the sun got unbearably hot our foresighted fellow citizen sought a quiet corner and made the change. How much of the six pounds were peeled off with the winter weights will always remain a question. For an example in preparedness, the gentleman takes the cake.

For all around efficiency the methods of the Bustleton Touring Club which passed through Chestertown on June 10th would be difficult to match. Their booklet gives Chestertown considerable space. We appear in it as Mr. Nell C. Westcott but we are beginning to get used to that and the very pleasant Chairman was profuse in his apologies when we met.

The town lost no time when the whistle of the B. S. Ford signalled its approach. There is something mildly thrilling about the arrival of a boat and it is too bad Chestertown is bereft of one of its former charms.

We are always amazed when a person says: "But I don't take a County paper." You are not a real part of the county until you do take one. A county paper is the soul of neighborliness.

Hot weather, house painting and flies. It was too bad Noah failed to swat the two flies when he had them in the Ark.

An ad. in the Sunday SUN reads: "The chest with the Chill." It might mean a Porus Plaster or its like but it really refers to an ice box.

Speed boats on the Chester River were watched by an interested crowd Sunday. Summer has come at last.

Out of Commerce and Finance comes this timely bit. Author unknown.

To Whom Does The River Belong?

The river belongs to the Nation;
The levee, they say, to the State;
The Government runs navigation;
The Commonwealth, though, pays the freight.
Now here is the problem that's heavy
Please, which is the right or the wrong
When water runs over the levee,
To whom does the river belong?

It's the Government's river in summer,
When the stage of the river is low,
But in spring when it goes on a hummer,
And starts o'er the levee to flow.
When the river gets suddenly dippy,
The State must dig down in its till
And push back the old Mississippi,
Away from the farm and the mill.

I know very little of lawing,
I've made little study of courts,
I've done little geeing and hawing.
Through verdicts, opinions, reports
Why need there be anything more said,
When the river starts levees to climb?
If the Government owns the aforesaid,
It must own it all of the time.

If the bull you are leading should bellow,
And jump over somebody's fence,
There isn't much doubt you're the fellow,
Expected to bear the expense.
If it follows a Sunday School teacher,
And chases the maid up a tree,
Your'e the owner, the same, of the creature,
Undoubtedly all will agree.

If some time should somebody's chickens,
Get into your garden and dig,
And pull up the plants like the dickens.
Or somebody's bull pup or pig,
The owner thereof cannot blame it
On you or some party remote,
The owner thereof can't disclaim it—
The chick or the pup or the shoat.

If it's your Mississippi in dry time,
It's yours, Uncle Sam, when its wet,
If it's your Mississippi in fly time,
In flood time its your river, yet.
There's no other way you can make it;
And so, when I give the alarm,
Come get your darned river and take it,
Away from my timber and farm.

LOCAL DOCTOR AND DAUGHTER IN ACCIDENT

Both Escape Serious Injury As Car Is Ditched

Negro Held For Reckless Driving

Dr. H. G. Simpers and daughter, Helen, had a narrow escape from serious injury last Sunday when Dr. Simpers was forced to ditch his car to keep from hitting a truck driven by a colored man.

The accident occurred about three miles this side of Easton when the doctor was enroute to that city to attend an operation upon Mrs. W. I. Woodall of this town.

The truck driven by the negro came out of a blind road and swung across in front of the local doctor's machine. It was hit the truck or take the ditch. Dr. Simpers chose the latter. When his car hit a small tree the steering wheel was wrenched from his hand and the car thrown against a larger tree where it came to a stop.

The negro, who gave his name as James Allen, drove his car off at a rapid speed. He was pursued by Mr. Barber Bartley, of Chestertown who was driving behind Dr. Simpers. Mr. Bartley overtook the man and brought him back to the scene of the accident.

Dr. Simpers was cut about the face and bruised in several places. Miss Simpers was cut on the legs and suffered a slight concussion of the brain. They were both rushed to the Easton hospital and are now able to be about.

The driver of the truck. which he was using without the knowledge of his employer, was lodged in the Eas-

Harry F. Jefferson Returns Improved In Health

Harry F. Jefferson who had been in the Baltimore Eye, Ear and Throat Hospital where he suffered a serious operation in the removal of his right eye, has returned to his home in Chestertown and is making rapid strides in his recovery. Mr. Jefferson has battled with ill health for the last three years and his physicians are confident now that the trouble removed that he will soon regain perfect health. The community wishes Mr. Jefferson a speedy return to the best of health.

Ritchie Explains Needs In Politics

Governor Albert C. Ritchie, of Maryland delivered an address Friday at the annual convention of the National Electric Association.

The Governor spoke on the need of modern business men to take an active part in politics of today. He declared that the time is passed when citizens can say "Business is business and politic is politics." He added that the modern business man must know the political institutions of the country, if the United States is to continue to grow, politically.

Will Handle London Estate

J. Brown Metcalfe, of Chestertown, sailed from New York Friday for London, where he will administer upon the estate of his aunt, Mrs. Elizabeth Metcalfe, who died in the latter city on May 27, news of which was received by letter by the family Thursday.

Mrs. Metcalfe had no relatives in London, living alone. It is stated the bulk of her estate, which is reported to be large, will revert to relatives in this country, most of whom are residents in Chestertown and Sudlersville.

Arthur H. Sapp Heads Rotary

Arthur H. Sapp, of Huntington, Ind., was unanimously nominated president of Rotary International on Wednesday. Confirmation of the selection took place Thursday. He was proposed by Leeds, England, club.

Mr. Sapp, an Ohioan by birth, became a member of the Huntington Club in 1917, six years later he was made district governor of the Twentieth Rotary district and the following year became chairman of the international committee on business methods.

—Eastern Sho Forest No. 53, Tall Cedars of Lebanon will hold a ceremonial and iniatition of candidates at the Armory here on Friday June 4.

LARGEST CLASS GRADUATES AT CHESTERTOWN HIGH SCHOOL

The largest class in the history of the Chestertown High School will receive their diplomas at the commencement to be held on Friday evening, June 17. Reading from left to right those in the picture are: Bottom row, Paul C. Massey, Lawrence S. Lee, Wilbur H. Morris, Jr.. Joseph S. Trew, Jr., Earl T. Willis, John Goodman, Howard Owens; second row (sitting,) Elizabeth Culp, Eva F. Moore, Melva Amelia Wilkins. Elizabeth Smith. Carrie Mae Lipscomb, Helena Brown, Anna Cook Coleman; third row, Mary Irene Cosden, Edith Stevens (first honor graduate), Anna C. Wiltbank, Elizabeth Moffett, Helen Lusby Coleman, Margaret A. Russell. Ethel Crew, Irene G. Bigelow, Emilie N. Skirven, Eugenia Hendrickson, Louise Price; top row, Geraldine R. Harwood, George T. Williams, Florence Alva Owens, Susie Mae Smith, John I. Moffett, Elizabeth Crew, Parker Williams, Margaret Rasin, Mary Meigs Ingersoll, Raymond Startt, Principal Mark Creasy.

AUTO CLUB VISIT HERE FOR TOUR

On Three Day Tour Of Del-Mar-Va Peninsula

The arrival of the Bustleton Automobile Touring Club in Chestertown occurred at 11:30 Friday when they stopped for dinner at the Voshell House. Mr. Austin Shure, Vice-President of the Rotary Club, Mr. Stephen Collins and Richard Collins, both Rotary members and Mr. Thomas W. Perkins, President of the Kent County Chamber of Commerce, Ms. Nell C. Westcott, Executrive Secretary, Mr. W. B. Copper and Mr. R. Hynson Rogers and other members of the Chamber went to the Voshell House to greet the tourists who, through the Chairman of the Touring Committee Mr. Heyer, had been in communication with the Chamber of Commerce regarding the route, historical points of interest in Kent County and who were loaned cuts for their splendid booklet through the Chamber which obtained them thru the kindness of Washington College.

The tour was to last three days and took in all points of the Eastern Shore returning through Delaware via the DuPont highway.

Mr. Thomas Perkins and Mrs. Westcott spoke a few words of welcome to the guests and the two Kent organizations were warmly greeted by the officials of the club.

As the Club left Chestertown, two motor police led the way followed by twenty-five cars decorated with flags which in turn were followed by two more motor police. The travelers were well equipped with their own repair car and had provided efficiently against every emergency.

Elementary School Supervisor Resigns

Miss Helen Jane Woodley, who has filled the position of Supervisor of Elementary instruction in the schools of Kent County, Maryland, during the past three years has resigned for the purpose of taking up some studies at Teachers College, Columbia University, in the fall.

Judging from the host of friends among pupils, teachers and school patrons which her courteous manner, and deep interest in the education of the boys and girls of Kent won for her, the loss of her services will be genaeylrl shrdlu etaoin shrdlu shra generally regretted. Miss Woodley was thoroughly qualified and accomplished much constructive work.

The Chester Assembly will have a Beach Party at Newnam's Wharf tonight, Wednesday. The members of the Assembly will carry basket suppers. The program calls for swimming among other entertainment features.

The trip down the river to the spot of the party will be made in the boats of the Chester River Yacht Club.

Public Health Association Elects Officers

On Thursday evening June 9th an open meeting of the Kent County Public Health Association was held at the Health Center in Chestertown when the following fficers for the year were elected:

President, Mrs. Nora C. Maxwell; 1st Vice Pres., Mrs. Hannah Usilton; 2nd Vice Pres., Mrs. John Clendaniel, Sr.; Secretary, Mrs. Katherine Rasin; Treasurer. Mrs. Mary O. Morris; Chairman of Nursing Committee, Mrs. Nell C. Westcott; (Two members to be elected by Chairman of the Ways and Means Committee, Mrs. Pearl A. Ford.

District leaders:
1st District, Mr. E. Thos. Massey.
2nd District, Mrs. Ollie H. Medders.
3rd District, Rev. Colvin Randall.
4th District, Mrs. Minnie E. Falls.
5th District, Mrs. Sara Sadtler.
6th District, Rev. John White.
7th District, Mrs. William T. Brown.

Doctors at Large:
Dr. Frank B. Hines, Chestertown.
Dr. Frank Smith, Fairlee.

Dr. Beachley, the State Deputy Health Officer of Cecil. Queen Annes and Kent and who shares the Health Center in Kent is expected to return to the counties by July 1st. Dr. Beachley was ordered to the flood districts of Tennessee for relief work in the emergency. Mrs. Katherine Stuart, the new Kent County nurse spent some time in Queen Anne's County with the Queen Anne nurse. Miss Resley, preparatory to taking up her work in Kent. Meetings throughout the county are being planned to help stimulate interest in the clinics and the work at large and to emphasize the importance of preventive features. The work among the pre-school children will continue this summer. Bringing the subnormal child up to normal preparatory to their entrance into school has proven of the greatest benefit both mentally and physically in the life of the child. No child who is not up to the standard physically can progress in school and have the well rounded life that is the birthright of every human being.

Misleading Headline

The Baltimore Sun, in the morning edition of June 11 had a very misleading headline regarding the position of the Kent Chamber of Commerce toward the Del-Mar-Va Eastern Shore Association. As was explained fully in a signed article in last week's ENTERPRISE, the Chamber of Commerce has never been a member of the Del-Mar-Va Association but has endeavored to cooperate with that organization for the welfare and publicity of the Peninsula where ever possible. A glaring mistake in a headline can lead to unfortunate misunderstanding and an error of that sort is most regretable. The matter will be taken up with the SUN by the Chamber of Commerce.

—The Enterprise $1.00 a Year.

ROTARY CLUB WILL ATTEND AT CENTREVILLE

Charter To Be Granted There Next Monday

The Chestertown Rotary Club will transfer its place of meeting for next Monday evening to Centreville where they will take part in the program of the club of that town as they receive their charter from Rotary International.

The Chestertown Club, through its past president. Dr. Paul E. Titsworth is the sponsor for the Centreville Club.

T. Rigby Valliant will be the first president of the Centreville Rotarians.

Plans are being finished for the annual meeting with the Rotary Club of Elkton at Betterton on Monday, June 20. The affair will be a Ladies Night and dinner and dancing will be enjoyed at the Hotel Rigby.

C. C. Hopper a member of the Chestertown club has tendered his resignation due to removal from town.

Declamation Contest Held At High School

In spite of the inclement weather, a large audience enjoyed the declamation contest last evening. Every speaker was especially good and deserves much credit.

The speakers and subjects follow:

"The Prisoners Plea," Laurence Lee.

"Barbwire Bill," John I. Moffett.

"Soldier of Fortune" John Goodman.

"Wilson's Address To Naturalized Citizens" Joseph Trew.

"Sunshine" Carrie Lipscomb.

"Mrs. Casey on Lawn Tennis" Mary Cosden.

"A Second Trial" Margaret Russell.

"Suicide" Ethel Crew.

"The Old Actors Story," Florence Owens.

"The First Settlers Story," Louise Price.

"Jepthas Daughter" Melva Wilkins.

The judges were Dr. Esther M. Dole, Dr. F. G. Livingood and R. A. Kilpatrick of the Washington College faculty.

John Goodman won the boys medal, given by F. G. Usilton and Florence Owens won the girls medal given by L. B. Russell.

Tonight the annual class night exercises will be held by the senior class in Smith Hall, Washington College, Thursday night the alumni banquet will be held at the school, and on Friday night, the commencement exercises will be held in Smith Hall.

—Dr. Theo. A. Tobin, Chiropractor who has his main office in Easton, will open a branch office in Chestertown next month. Watch this paper for day of opening.

Demurrer Of Defendant Is Sustained Bill Of Complaint Dismissed By Circuit Judges

Chief Judge Adkins And Associate Judge Keating Concur In Opinion

The Circuit Court for Kent County handed down Monday an opinion and order sustaining the demurrer to the Bill of Complaint filed by the opponents of the Bond Issue and ordered the dismissal of the Bill of Complaint.

Chief Judge William H. Adkins and Associate Judge Thomas J. Keating concurred in the opinion.

The case was known as that of William M. Culp and others vs. The Commissioners of Chestertown, a body of corporate.

William M. Culp and others, the Plaintiffs, were represented by Attorney John D. Urie.

The Commissioners of Chestertown had as their attorneys Herbert E. Perkins, Harrison W. Vickers and Senotor S. Scott Beck.

The case was argued before the Court in Centreville on Tuesday, May 31.

The judges in handing down their decision stated that they were reluctant to declare any act of Assembly unconstitutional, which was the prayer of the Plaintiffs.

It also was ordered by the Court that the Plaintiffs should stand the cost of the trial.

The concurring opinion of the two judges was in full, as follows:

"This cause coming on for hearing upon the demurrer by the defendant corporatnon, The Commissioners of Chestertown, to Bill of Complaint filed in this cause on May 10th, 1927, by William M. Culp and others, counsel for the respective parties have been heard and the proceedings duly read and considered.

The demurrer of the defendent is to the Bill as a whole and also to each and every paragraph of the Bill and the causes of the demurrer are as follows:

First—That the Plaintiffs have not stated in their Bill such a case as gives them relief in a Court of Equity against the defendant."

Second—"That there is no equity in such a bill."

The Bill of Complaint in the cause is filed by, and in the name of, William M. Culp, James T. Dixon, Chas. L. Dodd, Milbourn A. Toulson and numerous other persons who are residents tax payers and voters of Chestertown, Kent County, Maryland, and who sue as well for themselves as for all other qualified voters and tax payers of Chestertown, who may be come parties to the suit.

The Bill in its first paragraph alleges the defendant to be an incorporated municpality and that as much it submitted to the voters of the municipality the right to vote at the regular election held on April 25th, 1927, "For" or "Against" an issue of Bonds of the municipality to the amount of one hundred thousand dollars as set out in an advertisement filed as an Exhibition with the Bill and alleged to have been published as an advertisement a few days before the election but which advertisement it is alleged is inadequate "To sufficiently apprise the voters of the subject upon which they were to vote, and therefore illegal."

The second paragraph of the Bill recites the qualifications necessay to vote at a town election and by whom and when a list of taxables is to be furnished.

The third paragraph recites that the law gives the corporation a right to appoint some Justice of the Peace as Judge of Election and that the Commissioners were favorable to the Bond Issue and they appointed some one who also was favorable to the Bond issue.

The fourth, fifth, sixth, seventh and eighth paragraphs of the Bill relate entirely to voting lists and to irregularities at the election and to the votes cast for and against a bond issue with a prayer to the Court to declare the election null and void.

As the proposition to have a Court of Equity order a recount of votes and to declare the election void was abandoned by the Complainants, it is deemed unecessary to herein recite in any decree of detail the facts stated or claims made in the aforesaid paragraphs 4th, 5th, 6th, 7th and 8th of the Bill.

Paragraph Nine of the Bill recites the passage of an Act of General Assembly passed at the legislature of 1927, which Act authoized a vote of the qualified voters of Chestertown, upon a proposition to issue bonds to the amount of one hundred thousand dollars for a large number of alleged, various and unrelated subjects and propositions. and alleged not to be fully and adequately described in the titling of the said Act and complains that by the terms of the Act, a voter at the Election was permitted only to vote either "yes" or "no" on his or her ballott by an "x" on the ballot of these subjects. A certified copy of the Act of Assembly is filed with the Bill as an exhibit to be taken as a part thereof.

Paragraph ten of the Bill alleges that the subjects required to be voted upon are by the act too vaguley and indefinitely set out to inform the voter of the true intent and purpose of the Act and that the Ace of Assembly as an entirely was not published as a Public Local Law prior to the Election.

Paragraph Eleven of the Bill of Complaint prays that the said Act of Assembly may by the Court be declared and decreed to be unconstitutional, null and void for five reasons, namely:

1—For want of sufficient description of the subject matter of said Act in the titling thereof.

2—That the said Act embraces more than one subject.

3—That the language of the Act and the statements therein contained are too indefinite to fully apprise the voters of Chestertown of the purposes and objects of the said Act.

4—That the Act required the voters of Chestertown, by a single "x" mark opposite the words "For" or "Against" the many unrelated and varied subjects and propositions grouped together as set out therein, instead of allowing them to vote "For" or "Againt" these various subjects and propositions therein mentioned, separately and singly.

5—That the advertisement filed as Complaintants "Exhibit" was not such notice as was required by law to be given, nor was it such as required by law to enable the voters to vote intelligently upon the subjects mentioned; no such publication having been made as provided in Section 4 Article 76 of the Code of Pub. Gen. Laws of Maryland. The twelfth paragraph repeats a reference to the Act and declares the majority in favor of the issuance of bonds to be result of an illegal and void election by reason of many violations of law in the conduct of the Election and that the tax payers are without remedy except by the interposition of this Court.

The Bill concludes with three prayers, in addition to the usual prayer for general relief, as follows:

1—That said Act of Assembly may be unconstitutional and invalid to authorize the issuance of said bonds or to authorize said Election.

2—That the Election held to authorize the issue of said bonds be decreed to be null and void.

3—That the Commissioners may be perpetually enjoined from advertising for bids for the bonds and from selling the same.

At the hearing, counsel for the Plaintiffs raised particularly two questions:

The first being that the title to the Act was not sufficiently descriptive of the subject matter of the Act and that the Act embraces more than one subject, and hence that the Act is unconstitutional; and second, that no election could be held and no bonds could be issued until after Section 4 of Article 76 of the Code of Public General Laws, relative to publication of Local Laws, had been complied with.

This Court is of the opinion that under the decision in 82 Maryland, Page 326 it is without jurisdiction in the matter of the alleged irregul artities relative to the Election. "There is then no constitutional provision nor any general law conferring jurisdiction on a Court of Equity to hear and determine a election contest of any kind."

Counsel for Plaintiffs referred to and argued at length upon the simlarity of the present case with the Hyattsville case in 116 Maryland Page 122, but that case deals merely with the question of implied powers

Continued on Page 5

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