

RACE SEGREGATION IS NOW IN EFFECT

**City Council Passes Ordinance And
Mayor Preston Signs It At
His Home.**

ERROR FOUND IN NICK OF TIME

**Mr. Binswanger Discovers It And
Has It Corrected—Some Humor
Injected By Assigning "Relation-
ship" To Various Members —
Cummings Says Supreme Court
Will Decide.**

The new ordinance segregating the white and black races of Baltimore went into effect last night.

It passed the First Branch City Council after a defect discovered by Mr. Binswanger, Republican of the Fourteenth ward, had been corrected. The Second Branch, the first to pass the ordinance, at once concurred in the Binswanger amendment.

An entire section was reingrossed by Norval H. King, Second Branch reading clerk. Then President Hubert, of the Second Branch; President Whiteford, of the First Branch, and Reading Clerks A. J. Preller, First Branch, and Mr. King, Second Branch, affixed their names to the parchment.

Signed At Mayor's Home.

This formality over with the engrossed ordinance was compared with the original draft by Charles Kreuder, Jr., assistant secretary to the Mayor, and Committee Clerk King. Mr. Kreuder then took the ordinance to Mayor Preston's home, 820 North Charles street, where the executive signature was affixed.

The last section stipulated that the ordinance should take effect "from the date of its passage."

Mr. Binswanger's amendment made the ordinance conform with the City Charter, which requires that the words, "And be it further ordained by the Mayor and City Council of Baltimore" shall be placed at the beginning of each section. In writing the ordinance City Solicitor Field omitted these words at the beginning of Section 2, defining "white" and "colored" blocks.

The omission escaped attention until Mr. Binswanger read a full draft of the measure in a pamphlet placed on the desk of each Councilman last evening. He argued that the correction was necessary, and the members of both branches agreed with him after consulting the charter.

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The ordinance was on its third and final reading in the First Branch at the time, and many Councilmen referred to the wisdom of a rule adopted by the present Council, permitting ordinances and resolutions to be amended on the third reading in the branch in which the measure did not originate. But for this rule, it was pointed out, the City Solicitor's omission would have delayed the ordinance one day.

All the Democrats in the First Branch voted for the ordinance on its final passage, and all the Republicans voted against it. Mr. Hildebrand, Republican, of the Twentieth ward, who helped the Democrats to vote down all the Binswanger amendments Wednesday evening, did not attend the final session. Therefore, those who voted against the measure were Councilmen Binswanger, Cummings, Jording and Lang.

Councilman Cummings, colored, of the Seventeenth ward, read his reasons for voting against the ordinance. Mr. West, of the Thirteenth ward, read his reasons for supporting it. Explaining his vote against the ordinance, Mr. Binswanger said he considered it illegal. He created laughter by referring to Mr. West as the "father of segregation," to Mr. Curtis, of the Second Branch, as the "son of segregation" and to Milton Dashiell, author of two ordinances rejected by the Second Branch for the administration measure, as the "mother-in-law of segregation."

"Stepfather" There Too.

After Mr. Binswanger's amendment had been adopted Mr. Spencer, of the Fourth ward, arose and referred to him as the "stepfather of segregation." This caused another outburst of laughter in which Mr. Binswanger joined.

In his statement Councilman Cummings said the ordinance will be taken "to the highest court of the land," meaning the Supreme Court of the United States. He said:

"No law like this one, which permits a citizen to own property and denies to him the right to enjoy it, can stand the test of our State or United States Constitution. I venture the prediction that this ordinance, like its predecessor, will fall and be declared unconstitutional when it is taken, as it surely will be, to the highest court in the land."

Thinks Labor For Naught.

He said the ordinance is "unfair and unjust to the great number of white taxpayers whose properties, long vacant by the drift of population, and who are compelled to pay their taxes on these vacant houses, to have the additional burden which this law imposes, making it a crime to receive rent from a certain class of citizens.

"I admit that the ablest, the best and the most ingenious legal talent of our city and State has been called into play to devise a law which will meet the test of our highest State and Federal courts, but their labors will eventually go to naught, for the simple reason that it is an attempt to find a lawful way to do an unlawful thing."

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"No one deprecates more than I any semblance of bitter feeling and race antagonisms and no one will go further than I to allay them, and this sentiment is shared by the thoughtful, conservative and law-abiding people of my race, who are endeavoring to conform to the highest ideals in education, religion and morality, so that they may fully measure up to the highest standard of citizenship.

"If in the most of these temporary disturbances cooler heads and better judgments prevail, then all will go well.

"I am not the least alarmed or discouraged. I am optimistic and fully believe that time will adjust all these things—and it is my earnest hope and belief, with prejudice toward none, but peace and good will toward all, that soon the sentiment which underlies this ordinance will pass away and that we all, regardless of race or creed, will work together for the common good and the onward progress of our beloved city and State."

Victory, Says Mr. West.

In his address Mr. West referred to the efforts he has made to place a segregation law upon the city's books. He said he introduced the first ordinance about two years ago, when the subject was new in the field of legislation.

"So far as I am concerned," Mr. West went on to say, "I feel that a great victory has been achieved by the people of this city in having its highest court establish by its decision the power of the Mayor and City Council to pass such legislation, and it is a great personal gratification to me to know that I had some part in bringing about this result."

It is the fourth race segregation ordinance to be passed by the City Council within the last two years. The first two were declared defective and new ones introduced without taking the question to the Court of Appeals.

The third, prepared by William L. Marbury, was declared invalid by Judge Thomas Ireland Elliott in the lower court several months ago. He was upheld by the Court of Appeals, but that court, the highest in the State, held that the Mayor and City Council had power to pass an effective ordinance segregating the white and black races of the city.

The ordinance just passed is the result of a preliminary opinion from the Court of Appeals. It is expected that the full opinion will be handed down when the court reconvenes the second Monday in October. Mayor Preston and other municipal officials feel that the new ordinance will be found to comply fully with the ruling of the court.

Those Who Voted For It.

The Democrats who voted for the final passage of the ordinance in the First Branch were President Whiteford and Messrs. Durm, Garland, Spencer, Rapp, Stockham, McKenna, Norris, Heatwole, West, Kilmer, Tolson, O'Meara, Benson and Hiller. The absentees on the Democratic side were Messrs. Jung, Lasch, Gettemuller and Gross.

Immediately after passing the ordinance the Council, which had been in session every day since last Monday, adjourned until Monday afternoon, October 6.