immediately launched a campaign to fight it and raised $5,400 for that purpose. The Branch retained one of the ablest white legal firms in the Middle West, Messrs. Miller, Dailey and Thompson associating with them R. L. Brokenburr and W. S. Henry, well known colored attorneys.

The attorneys for the Branch filed a petition asking that the segregation ordinance be declared void. The case (*Edward S. Gaillard vs. Dr. Guy L. Grant*) originated in a suit by Mr. Gaillard who claimed that Dr. Grant agreed to buy property from him in a "white" district and after entering the contract refused to buy because the segregation ordinance forbade occupancy by Dr. Grant, a colored owner.

The case was tried in the Circuit Court of Marion County. On November 23 that Court declared the ordinance unconstitutional, basing its decision upon the Louisville decision of 1917.

Norfolk, Va.—On August 25, 1925, the City Council of Norfolk passed a segregation ordinance, this one also being practically identical with the outlawed Louisville ordinance. The first court test of the law occurred in February, 1926. Nathan Falk, a Jewish merchant, had opened a grocery store in a strictly colored neighborhood. The Norfolk Branch of the N. A. A. C. P., through its attorney and president, David H. Edwards, to test the law, charged Mr. Falk with violation of the ordinance. Police Court Justice R. B. Spindle ruled the law unconstitutional, which decision was later affirmed by a court of record.

On July 15 Judge Spindle again ruled the ordinance unconstitutional. This decision was rendered in the case of Samuel Costen, a colored man, who had sought to move into a house located in a "white" district. A warrant was issued against Costen on the complaint of white neighbors charging violation of the segregation ordinance. This decision, too, was won by the Norfolk Branch of the N. A. A. C. P. through its attorney, Mr. Edwards.

Dallas, Texas.—A segregation ordinance enacted in Dallas was declared unconstitutional, on the basis of the Louisville case, by the Texas Fifth Court of Civil Appeals. The case arose in the desire of a white corporation "to open up a new addition for Negroes in a district which, heretofore, by a joint agreement, according to report, has been designated as white." The case, according to report, is to be taken to the Supreme Court by the City of Dallas. A case arising under this law three years ago was never carried to a conclusion by the city officials when colored people raised $1,500 for defense. The Negro tenant involved in this earlier case was never obliged to move.

Texas White Primary: Nixon vs. Herndon.—As stated in the Association's annual report for 1925, the case of *Nixon vs. Herndon*—challenging disfranchisement of Negroes through the "white primary" laws of the South—was appealed to the United States Supreme Court.

On May 27, 1926, the Association's attorneys filed a Motion to Advance the Case, and the case was set for argument January 3, 1927.

The National Office obligated itself for $2,500 and costs in this case and has to date expended $2,006.

Kentucky Libel Case.—In April, *William Warley*, editor of the *Louisville News*, and *I. Willis Cole*, editor of the *Louisville Leader*, were indicted for libel. The case arose as follows:

Three colored men, Columbus Hollis, Bunyan Fleming and Nathan Bard, were arrested in Madisonville, Kentucky, on April 7, 1926, charged with assault on a young white woman. There was doubt as to their guilt despite a "confession" of Hollis throwing the blame on the other two.

In January a colored man killed a white man in Lexington, Kentucky, stray shots killing two of the white man's children and wounding his wife. Within 60 days he was tried for rape and hanged.

Within the next 30 days a white man in Lexington assaulted an eleven-year-old colored girl. He was tried before the same court, and though his guilt was not questioned, the white man was declared insane.

For fear that the courts, in the case of the three colored men imprisoned at Madisonville, might act so as to bring about another "legal lynching," the two editors carried articles protesting against what seemed to them would be the railroading of the three Negroes to death in a bitterly hostile community. The County Attorney at Madisonville objected to what was printed in these articles and first brought indictment against Messrs. Warley and Cole for creating race friction and race hatred. As this charge did not hold good, attempt was made to charge them with contempt of court. The Grand Jury finally indicted them for libel.