Mr. Hayne summoned the school board of Toms River to appear before that Court on a writ of mandamus, hearing being held on April 6. On June 15, Justice Parker overruled the demurrer which had been filed by the Board of Education and on June 29, the thirty colored children who had been excluded from the Toms River public school were ordered by State Education Commissioner John H. Logan to be reinstated.

The National Office contributed \$500 toward the expenses of this case.

The second dramatic school segregation case occurred in Gary. Indiana, where several hundred white students went on "strike," September 26, against the continued presence in the Emerson High School of twenty-four colored students. The School Board of Gary bowed to the demands of the white students and the City Council, on September 29, acquiesced to the extent of appropriating \$15,000 for a temporary high school to house the colored students.

The Gary Branch of the Association, backed by the National Office, fought this attempt from the outset. Suit was brought on October 3, in the names of A. J. Terry and the Rev. Charles Hawkins, pastor of the First Baptist Church of Gary, for an injunction against the School Board, the Mayor, the City Clerk and the City Comptroller, to restrain the appropriation of taxpayers' money to erect a segregated school. The National Office appropriated \$500.00 for the fight, sending Attorney R. L. Bailey of Indianapolis to assist the attorneys retained by the Gary Branch: Messrs. F. Lawrence Anderson, Charles H. Mason, Edward McKinley Bacoyn, and Lewis Spurling.

On October 24, Judge Grant Crumpacker temporarily restrained the City from paying, and the Board of Education from receiving the \$15,000 appropriation; and on November 7 this order was continued as a temporary injunction, with the final hearing set for December 13.

Mayor Floyd E. Williams was quoted in the Gary Post-Tribune as saying he was convinced that the action of the City Council appropriating the \$15,000 was illegal and that it was a useless waste of money to try to defeat the injunction.

In Judge Crumpacker's court, on December 12, the N.A.A.C.P. attorneys and those employed by the City agreed to dismiss the case with the understanding that the injunction be made permanent and that the court costs be paid by the City of Gary. It is now a matter

of record in the courts that a Negro high school cannot be built in Gary with the money voted out by the City Council.

On December 23, just before the Christmas recess, all the colored students in the Emerson High School but three were called into the office of Superintendent William Wirt and were told that on January 2, 1928, they were to report to a segregated institution. The Association at once took steps to contest this during 1928.

A third school segregation case, originating in Atlantic City where two segregated schools had been established for colored children, was taken to the courts at the end of the year, Mr. Eugene R. Hayne being retained as attorney. This fight will extend into 1928.

Extradition Cases: As has been explained in earlier reports of the Association, there is no disposition on the part of the N.A.A.C.P. to prevent the punishment of criminals. But the Association will oppose, wherever possible, the extradition of a colored man or woman from a northern to a southern jurisdiction when there is reason to suppose that the defendant's color will operate against the giving of a fair trial.

During 1927 several extradition cases assumed national interest. One was that of Samuel Kennedy charged with having "slapped" a white man in Georgia and with having escaped from a chain gang sentence of eighteen months. He was found by a Georgia sheriff in Chicago and arrested. Kennedy denied having lived in Georgia and declared he knew nothing of the crime charged to him, offering to give an unassailable alibi as to his whereabouts when the alleged "slapping" took place.

Writ of habeas corpus having been filed by a white attorney, Herman Ashen, after Governor Small of Illinois had issued an extradition warrant, the Chicago Branch of the N.A.A.C.P. stepped into the case through its attorney, Harold M. Tyler. Mr. Tyler persuaded the Governor to hold up the warrant and grant a new hearing. The Governor having decided that the questions raised were judicial and did not fall under his authority, the case was heard by Judge Eller of the Criminal Court. Despite testimony of four witnesses that Kennedy lived in Chicago at the time the alleged crime was committed, and despite inadequate identification made by persons from Georgia, Judge Eller remanded the prisoner to the custody of the Georgia sheriff.

Mr. Tyler at once obtained issuance of another writ by Judge