

File No. 22845

sage and under the guise of the police power it was a taking away of vested rights. The Court, however, held that subject to this limitation it was within the power of the municipality to pass a valid segregation ordinance. This case was decided on October 7th, 1913.

A new ordinance was passed by the City, being No. 339, approved September 25th, 1913, which met the constitutional objection made to the former ordinance by the Court of Appeals. This ordinance simply dealt with existing conditions. Ordinance No. 355, approved November 8th, 1913, was a supplemental ordinance to No. 339 and covered changes in conditions as they arose from time to time.

In various parts of the United States segregation ordinance, more or less similar to Ordinance No. 339, were adopted and litigation arose thereout to test the validity of said ordinances. The case of *Buchanan vs. Warley*, 245 U. S. page 60, came up to the Supreme Court of the United States from the State of Kentucky. Before this case was argued in the Supreme Court, the City Solicitor made a motion in that case that he be permitted to file a brief in behalf of the Mayor and City Council of Baltimore, defending Ordinance No. 339. This motion was granted and the brief filed. The Supreme Court of the United States held that it was beyond the power of any City, by virtue of the provisions of the thirteenth and fourteenth amendments to the United States Constitution, to pass any such legislation.

While this case was pending in the Supreme Court the case of *State vs. Jackson* was appealed to the Court of Appeals and was held in that Court pending the decision of the United States Supreme Court of the case of *Buchanan vs. Warley*. After the decision of the case of *Buchanan vs. Warley* a writ of habeas corpus was filed in the United States District Court for the District of Maryland, by William T. Coleman, who had been arrested under Ordinance No. 339.

In the early part of December 1917, Judge Rose granted the writ of habeas corpus and discharged Coleman. No written opinion was handed down in this case. Subsequently, on February 27th, 1918, the Court of Appeals decided the case of *State vs. Jackson*, following the decision of the United States Supreme Court, and holding Ordinance