

grounds of race or color in the fixing of salaries paid white and colored teachers and principals employed for the public schools of Anne Arundel County, and from paying to the plaintiff or any other colored teacher or principal employed by them a less salary than they pay any white teacher or principal employed by them and filling an equivalent position in the public schools of Anne Arundel County." By an amendment to the original complaint the plaintiff also seeks a declaratory decree (under 28 U. S. C., § 400) "that this Court adjudge and declare that defendants' policy complained of herein, in the respects it is maintained and enforced pursuant to State statutes as well as in the respects it is maintained and enforced in the absence of controlling statutes, violates the due process and equal protection clauses of the 14th Amendment of the Constitution of the United States; and Sections 41 and 43 of Title 8 of the United States Code."

A precise understanding of the Maryland statutory scheme of public education is essential to a considered opinion on the question presented by the pleadings and testimony in this case. The statutory provisions were discussed at length in the former case, 26 F. S. 792 (to which reference is hereby made) and need not now be repeated. The opinion in the former case was filed on March 1, 1939. The only subsequent legislation upon the subject is the Maryland Act of 1939, Ch. 502, approved May 11, 1939, and effective September 1, 1939, which established a new State minimum salary schedule for white teachers, setting up therein a single salary schedule based on preparation and experience to replace the former position-experience schedule. The general effect of the Act was to somewhat increase the minimum salary schedule for white teachers, but without any increase in the previously established minimum salary for teachers in colored schools. Attention should also be called to the Maryland Act of 1937, Ch. 552, effective September 1, 1939, which made the school term for colored children of equal duration to that for white children, there previously having been some disparity in the respective terms, those for colored children being generally a month or two shorter than those for white children. Hereafter for both it is required that the schools be kept open not less than 180 actual school days, or nine months in each year.

The historical development of Maryland legislation with respect to the comparative salaries for white and colored teachers is important in this case. The legislation is said to be unique in that while no *maximum* salary is prescribed for payment by the several County Boards of Education, there is a difference which has existed for many years in the minimum requirements

for the grounds of race or color in the fixing of salaries paid white and colored teachers and principals employed for the public schools of Anne Arundel County, and from paying to the plaintiff or any other colored teacher or principal employed by them a less salary than they pay any white teacher or principal employed by them and filling an equivalent position in the public schools of Anne Arundel County." By an amendment to the original complaint the plaintiff also seeks a declaratory decree (under 28 U. S. C., § 400) "that this Court adjudge and declare that defendants' policy complained of herein, in the respects it is maintained and enforced pursuant to State statutes as well as in the respects it is maintained and enforced in the absence of controlling statutes, violates the due process and equal protection clauses of the 14th Amendment of the Constitution of the United States; and Sections 41 and 43 of Title 8 of the United States Code."

A precise understanding of the Maryland statutory scheme of public education is essential to a considered opinion on the question presented by the pleadings and testimony in this case. The statutory provisions were discussed at length in the former case, 26 F. S. 792 (to which reference is hereby made) and need not now be repeated. The opinion in the former case was filed on March 1, 1939. The only subsequent legislation upon the subject is the Maryland Act of 1939, Ch. 502, approved May 11, 1939, and effective September 1, 1939, which established a new State minimum salary schedule for white teachers, setting up therein a single salary schedule based on preparation and experience to replace the former position-experience schedule. The general effect of the Act was to somewhat increase the minimum salary schedule for white teachers, but without any increase in the previously established minimum salary for teachers in colored schools. Attention should also be called to the Maryland Act of 1937, Ch. 552, effective September 1, 1939, which made the school term for colored children of equal duration to that for white children, there previously having been some disparity in the respective terms, those for colored children being generally a month or two shorter than those for white children. Hereafter for both it is required that the schools be kept open not less than 180 actual school days, or nine months in each year.

The historical development of Maryland legislation with respect to the comparative salaries for white and colored teachers is important in this case. The legislation is said to be unique in that while no *maximum* salary is prescribed for payment by the several County Boards of Education, there is a difference which has existed for many years in the minimum requirements

for the grounds of race or color in the fixing of salaries paid white and colored teachers and principals employed for the public schools of Anne Arundel County, and from paying to the plaintiff or any other colored teacher or principal employed by them a less salary than they pay any white teacher or principal employed by them and filling an equivalent position in the public schools of Anne Arundel County." By an amendment to the original complaint the plaintiff also seeks a declaratory decree (under 28 U. S. C., § 400) "that this Court adjudge and declare that defendants' policy complained of herein, in the respects it is maintained and enforced pursuant to State statutes as well as in the respects it is maintained and enforced in the absence of controlling statutes, violates the due process and equal protection clauses of the 14th Amendment of the Constitution of the United States; and Sections 41 and 43 of Title 8 of the United States Code."

A precise understanding of the Maryland statutory scheme of public education is essential to a considered opinion on the question presented by the pleadings and testimony in this case. The statutory provisions were discussed at length in the former case, 26 F. S. 792 (to which reference is hereby made) and need not now be repeated. The opinion in the former case was filed on March 1, 1939. The only subsequent legislation upon the subject is the Maryland Act of 1939, Ch. 502, approved May 11, 1939, and effective September 1, 1939, which established a new State minimum salary schedule for white teachers, setting up therein a single salary schedule based on preparation and experience to replace the former position-experience schedule. The general effect of the Act was to somewhat increase the minimum salary schedule for white teachers, but without any increase in the previously established minimum salary for teachers in colored schools. Attention should also be called to the Maryland Act of 1937, Ch. 552, effective September 1, 1939, which made the school term for colored children of equal duration to that for white children, there previously having been some disparity in the respective terms, those for colored children being generally a month or two shorter than those for white children. Hereafter for both it is required that the schools be kept open not less than 180 actual school days, or nine months in each year.

The historical development of Maryland legislation with respect to the comparative salaries for white and colored teachers is important in this case. The legislation is said to be unique in that while no *maximum* salary is prescribed for payment by the several County Boards of Education, there is a difference which has existed for many years in the minimum requirements

for the grounds of race or color in the fixing of salaries paid white and colored teachers and principals employed for the public schools of Anne Arundel County, and from paying to the plaintiff or any other colored teacher or principal employed by them a less salary than they pay any white teacher or principal employed by them and filling an equivalent position in the public schools of Anne Arundel County." By an amendment to the original complaint the plaintiff also seeks a declaratory decree (under 28 U. S. C., § 400) "that this Court adjudge and declare that defendants' policy complained of herein, in the respects it is maintained and enforced pursuant to State statutes as well as in the respects it is maintained and enforced in the absence of controlling statutes, violates the due process and equal protection clauses of the 14th Amendment of the Constitution of the United States; and Sections 41 and 43 of Title 8 of the United States Code."

rate of said city, deceased. All persons having claims against said deceased are hereby warned to exhibit the same, with vouchers thereof legally authenticated, to the subscriber on or before the 16th day of May, 1940; they may otherwise, by law, be excluded from all benefit of said estate. All persons indebted to said estate are requested to make immediate payment. Given under my hand this 13th day of November, 1939.

**JOSEPH O KAISER,**  
Administrator.

**Fourth Inseccion.**

**Niles, Barton, Morrow & Yost, Attorneys,**  
Baltimore Life Building.

**THIS IS TO GIVE NOTICE,** That the subscriber has obtained from the Orphans' Court of Baltimore City letters of administration on the estate of

**CHARLES C. WACKER,**  
late of said city, deceased. All persons having claims against said deceased are hereby warned to exhibit the same, with vouchers thereof legally authenticated, to the subscriber on or before the 9th day of May, 1940; they may otherwise, by law, be excluded from all benefit of said estate. All persons indebted to said estate are requested to make immediate payment. Given under my hand this 6th day of November, 1939.

**ANNA L. WACKER,**  
Administratrix.

**Alfonso W. Wyszczeki, Attorney,**  
100 East Pleasant Street.

**THIS IS TO GIVE NOTICE,** That the subscriber has obtained from the Orphans' Court of Baltimore City letters of administration on the estate of

**CHARLES H. HOWARD MESTER,**  
late of said city, deceased. All persons having claims against said deceased are hereby warned to exhibit the same, with vouchers thereof legally authenticated, to the subscriber on or before the 9th day of May, 1940; they may otherwise, by law, be excluded from all benefit of said estate. All persons indebted to said estate are requested to make immediate payment. Given under my hand this 6th day of November, 1939.

**ALFONSO VON WYSZCZKI,**  
Executor.

**Francis I. Mooney, Attorney,**  
111 North Charles Street.

**THIS IS TO GIVE NOTICE,** That the subscriber has obtained from the Orphans' Court of Baltimore City letters of administration on the estate of

**CHARLES E. RICE,**  
late of said city, deceased. All persons having claims against said deceased are hereby warned to exhibit the same, with vouchers thereof legally authenticated, to the subscriber on or before the 9th day of May, 1940; they may otherwise, by law, be excluded from all benefit of said estate. All persons indebted to said estate are requested to make immediate payment. Given under my hand this 6th day of November, 1939.

**EDWIN J. RICE,**  
Administrator.

By decree of the Circuit Court No. 2 of Baltimore City, the undersigned, Trustee, will sell at public auction, on the premises, on

**THURSDAY, DECEMBER 7, 1939**  
AT 4:00 O'CLOCK P. M.

**ALL THAT LOT** in Baltimore, Maryland, on the northwest side of Gay Street at the center of the partition wall between the house on this lot and the house adjoining on the southeast side, being at the distance of 38 feet 3 inches northerly from the corner formed by the intersection of the northwest side of Gay St. with the north side of Oliver St.; and running thence northerly along the center of said partition wall 28 feet 9 inches, more or less, to the end thereof; thence still northerly continuing the same direction 36 feet 7 inches, more or less, to the northeast side of an alley 10 feet wide; thence northerly along the southeast side of said alley 11 feet 9 inches, more or less, to the division between the closet on this lot and the one adjoining on the northeast; thence southeasterly along said division 3 feet 7 inches, more or less; thence southerly along the southeast side of said closet 1 foot to a division fence; thence southeasterly along said fence 4 feet 1 1/2 inches to the westernmost corner of the brick dwelling adjoining on the northeast; thence northerly 4 1/2 inches to the center of the partition wall between the house on this lot and the house adjoining on the northeast; thence southeasterly along the center of said partition wall 62 feet 3 inches, more or less, to the northwest side of Gay St.; and thence southerly along the north-west side of Gay St. 15 feet 1 inch to the place of beginning. In fee-simple and improved by a 3-STORY BRICK DWELLING.

Terms: 1/3 cash, balance in 6 and 12 months, with interest on option balances, or all cash, at purchaser's option; expenses, including special paving tax, if any, to be adjusted at day of sale. Deposit of \$200 required at day of sale; balance to bear interest from day of sale.

**JOHN A. FARLEY, Trustee.**  
**SAM W. PATTERSON & CO., Auctioneers.**  
1542 N. 28, dt

7th day of December, 1939, give notice to the absent defendant, William Kendall, of the object and substance of this suit and warning him to be and appear in this Court in person or by solicitor on or before the 22nd day of December, 1939, to answer the premises and abide by and perform such decree as may be passed herein.

**W. CONWELL SMITH,**  
Trustee

**CHAS. R. WITTEFORD,**  
Clerk.

**PROPERTY SALES.**  
1504 NORTH GAY STREET

By decree of the Circuit Court No. 2 of Baltimore City, the undersigned, Trustee, will sell at public auction, on the premises, on

**THURSDAY, DECEMBER 7, 1939**  
AT 4:00 O'CLOCK P. M.

**ALL THAT LOT** in Baltimore, Maryland, on the northwest side of Gay Street at the center of the partition wall between the house on this lot and the house adjoining on the southeast side, being at the distance of 38 feet 3 inches northerly from the corner formed by the intersection of the northwest side of Gay St. with the north side of Oliver St.; and running thence northerly along the center of said partition wall 28 feet 9 inches, more or less, to the end thereof; thence still northerly continuing the same direction 36 feet 7 inches, more or less, to the northeast side of an alley 10 feet wide; thence northerly along the southeast side of said alley 11 feet 9 inches, more or less, to the division between the closet on this lot and the one adjoining on the northeast; thence southeasterly along said division 3 feet 7 inches, more or less; thence southerly along the southeast side of said closet 1 foot to a division fence; thence southeasterly along said fence 4 feet 1 1/2 inches to the westernmost corner of the brick dwelling adjoining on the northeast; thence northerly 4 1/2 inches to the center of the partition wall between the house on this lot and the house adjoining on the northeast; thence southeasterly along the center of said partition wall 62 feet 3 inches, more or less, to the northwest side of Gay St.; and thence southerly along the north-west side of Gay St. 15 feet 1 inch to the place of beginning. In fee-simple and improved by a 3-STORY BRICK DWELLING.

Terms: 1/3 cash, balance in 6 and 12 months, with interest on option balances, or all cash, at purchaser's option; expenses, including special paving tax, if any, to be adjusted at day of sale. Deposit of \$200 required at day of sale; balance to bear interest from day of sale.

**JOHN A. FARLEY, Trustee.**  
**SAM W. PATTERSON & CO., Auctioneers.**  
1542 N. 28, dt

**FAIL MEETING**  
15 DAYS RACING  
**BOWIE**