

Note, Chap 6 (7)

THURSDAY, APRIL 20, 1944

★ THE MONTGOMERY

Negro Appeals Disbarment To Circuit Court

4/20/44
Madison Gives Notice After Vote Cases Are Dismissed

Eight appeals taken to the circuit court of Montgomery County by eight negro residents of Madison Park from the alleged action of the board of registrars in refusing to register them as voters were dismissed in court yesterday by Judge Walter B. Jones on motion of Col. Richard T. Rives appearing as amicus curiae.

Immediately afterward, Arthur A. Madison, New York negro lawyer, who was convicted and fined last week in the court of common pleas for representing five of his race without being employed, and disbarred from practice of law in Alabama, posted bond of \$5,000 with Clerk O. C. Maner and gave notice of appeal to the circuit court.

When court convened yesterday morning, several hundred negro spectators had already gathered in the courtroom. A woman photographer representing northern publications, made a number of pictures during the proceedings.

When the cases were called, Madison explained to Judge Jones that, "in view of recent happenings," another attorney had been secured in the case and presented to the court Arthur D. Shores, Birmingham negro attorney, who represented the appellants.

Dismissal Moved

Thereupon Col. Rives presented to the court the motion of the State to dismiss the petitions to require the registrars to register the complainers. The motions to dismiss contained seven grounds, among them: The claimed appeal was not taken within the time allowed by law; the petition failed to aver, by evidence established to the reasonable satisfaction of the board of registrars, that the person was qualified to become a voter, and that it affirmatively appeared on the face of the petitions that the appeal was not taken within the time required by law.

Col. Rives argued to the court that aside from the petition for the appeal being defective in itself, it was not filed within the 30-day period for such an appeal fixed by law. He contended therefore, that inasmuch as the jurisdiction of the circuit court in the matter was appellate only, and that the cases could come before the court only in the manner prescribed by law, that the circuit court was without jurisdiction.

Shores, speaking for the negro petitioners, contended that under the ruling of the Supreme Court in a recent case against the Board of Registrars of Jefferson County, the Alabama Constitution and statutes did not require any formality in the pleading in the petition for an appeal to the Circuit Court. He further contended that the petition was filed within 30 days after the action of the Board of Registrars.

Finds For State

Judge Jones, after hearing the arguments which lasted about 30 minutes, said he did not find it necessary to pass on the sufficiency of the pleadings, but that he



OLD FRIENDS OF LAND—This group of farmers is the governing body of the Central Alabama Soil Conservation District. Left to right, they are: J. M. Tait, Wilcox County; Roland Young, Lowndes County; R. T. Jones, Dallas County, secretary; D. L. Yarbrough, chairman, Autauga County; and H. B. Stewart, Montgomery County. The Central Alabama District is sponsoring the Friends of the Land meeting in Montgomery and Selma.

than 30 days after the time in which the petitions should have been filed. He dismissed each of the petitions.

Those whose petitions were dismissed were: Willie L. Madison, General P. Madison, William F. Madison, James T. Emery, Sallie B. Madison, Henry G. Payne, Alfonso Felder, and Edgar D. Nixon.

Yesterday's action of the court leaves no petitions of appeal pending in the court, for on Feb. 2, last, Judge Jones dismissed the appeals of Ola M. Galloway, Sarah O. Madison, Annie S. Banks, Mildred Hardy, John H. Winston, Frankie Lee Winston, Emma Madison and Nicholas T. Madison. Each of the above named negroes stated then in open court that they did not take the appeals and did not authorize the negro attorney from New York, Arthur A. Madison, to represent them in the matter.

It is understood that an appeal will be taken from Judge Jones' decision to the Supreme Court of Alabama, and if the case is lost there then to the Supreme Court of the United States.

Warren Will

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at the G. O. P.'s 1940 convention at Philadelphia.

Henry P. Fletcher, national committeeman from Rhode Island, and one of the 28 members of the arrangements committee, said that (because Martin represented the East) "geographical consideration influenced the selection of a westerner," and that "there couldn't be a better man for the job."

Warren was nominated by William Reichel, national committeeman from California, who said Warren was not a candidate for the presidential nomination, although the State delegation will support him as a "favorite son."

Knutson Launches

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simplify the tax computations of

Wildlife, Soil Conservation Inseparable, Bennett Asserts

Conservation of wildlife is inseparable from conservation of the soil, Chief Hugh H. Bennett of the U. S. Soil Conservation Service, told the Montgomery County Sportsmen's Association at the annual spring conservation forum last night.

Milton C. James of the wildlife division of the U. S. Department of the Interior, speaking for Dr. Ira N. Gabrielson, scheduled for the program but unavoidably detained on business in Mexico, traced for the sportsmen the development of wildlife resources in the Southeast.

The sportsmen's forum last night, held at the city auditorium with approximately 150 in attendance, was the opening session of a three-day meeting in central Alabama of the "Friends of

the Land," a conservation society working in cooperation with the government and private agencies to unify all efforts for the control and wise use of natural resources.

Registration for the Friends of the Land southern conference will begin today at 9:30 a. m., at city auditorium and will be followed by a welcome address by Paul Fuller of the Chamber of Commerce and a panel discussion on conservation of land, led by Hugh Comer of Avondale Mills with a group of distinguished conservationists participating. On the panel will be: T. S. Bule, Spaulding, S. C.; R. E. Camma, Montgomery; W. D. Malone, Dothan; John Temple Graves, Birmingham; Will Spencer, Birmingham; Mrs. W. B. Pickard, Coahoma; Ben C. Morgan, State director of conservation; P. C. Davis, State extension service director; H. B. Stewart, Gaston Foote, Tom C. Reid, C. M. Staley, Montgomery; Julian M. Gowan, Chapman; Alex. Nun, Birmingham; Charles F. Evans, Atlanta.

Another session will be held 2:30 p. m., with Judge Lucien Gardner presiding and Dr. Russell Lloyd and Hugh E. Bennett as speakers. A banquet is scheduled for 8 p. m. at the White Hotel with Louis Bromfield, novelist, as guest speaker.

M. M. DeShields, president of the Montgomery Sportsmen's Association, presided at the forum last night and Robert Starr, association member, discussed activities of the club.

Earlier in the evening Horace Davis, vice president of the Montgomery County Sportsmen's Association, was host to special guests of the program at a fry at his country home in Snowdon.

Fresh perch and trout caught in the private lake on his grounds were served with "hush puppy" coffee and all the extra trimmings.

Goebbels Is

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have assured the Reich's future."

"The more difficult the hour, the more we are filled by the fanatical confidence that we will attain our aim," the Goering order said.

A similar note of impending trial was sounded by Goering in a Hitler birthday statement issued to German newspapers through the German radio.

"A thousand dangers may lie ahead," Goering said in this message. "New anxieties and burdens may prove inevitable. Further efforts and sacrifices may be demanded of us. We do not fear them. Confidently and ready for every sacrifice, we fight and work by the side of the Fuehrer. Loyalty to him is a guarantee of freedom and victory."

Hitler himself was silent as he reached an age at which he once indicated he would rather not be fighting.

"I am now 50 years old," Hitler said in his heyday in April,