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Dr. Scott Gets Dismissal Howard Suit; May File Second DURHAM MAN DISAPPEARS

Wins Right To Change Character Of Suit Filed Against Howard Univ.

(Capital News Service)

WASHINGTON, Dec. 9.—In the District Court of the United States for the District of Columbia Monday last, counsel for Doctor Emmett J. Scott submitted a motion for voluntary dismissal of the suit filed by him June 22 of this year for a preliminary injunction against Howard University and Mordecai Johnson, President, restraining them from interfering with his continuance as Secretary of Howard University until he has reached the age of 69 years.

He contended that he could not be deprived lawfully of the right to hold the office of Secretary of Howard University and to exercise and to enjoy the rights, the privileges and the emoluments of the office of Secretary of Howard University except in accordance with the terms and conditions of the rules and regulations adopted and promulgated in the retirement legislation of the University until retirement after attaining the age of 68 years, or except for sufficient in law demonstrated sufficient for his removal and an opportunity to be heard before the Board of Trustees of the University.

Counsel for the University and Mordecai Johnson, objected on the ground that dismissal of the case "without prejudice" would leave the plaintiff free to bring

another suit.

Counsel for the plaintiff insisted that Dr. Scott should be granted leave to dismiss his case without prejudice to his right to bring such further action as he might be advised to bring.

Further, that at the time suit was filed, and also at the time, counsel, Mr. James Cunningham Rogers stated he believed that Dr. Scott was unfairly and unjustly dealt with.

Justice O'Donoghue in deciding the motion stated: "It is just a question now of whether this Court should decide at this time to dismiss this suit finally. That would not be in accordance with the spirit, with the modern rule of law allowing amendments. This Court would be put in a position of saying to this plaintiff, 'You have not had your day in Court and you can not have your day in Court.' I think that justice requires that the Court take a liberal view, that the plaintiff, if he wishes to should be entitled to file a different kind of suit under the rule providing for transfer of cases from one Court to the other.

While no expression could be secured from Dr. Scott or his counsel as to further actions, it is generally assumed by the Washington public that the strategy of Dr. Scott's counsel looks to seeking remedy in a Law Court for damages instead of pursuing the suit in equity.

PLANS OWN FUNERAL

GREENVILLE, N. C., Dec. 8. (By George W. Whitaker)—The funeral of Mrs. Lula Tucker who died here recently had been planned by her far in advance. She listed the title of the songs that she wanted the choir to sing at her funeral. She also wrote her own obituary and chose the text that she wanted the minister to use.

The services were held at the Sycamore Baptist Church of which she had been a member for 23 years. Rev. Nimmo officiated and was assisted by Rev. Hemby.

Mrs. Tucker is survived by her husband, two sisters, two brothers and many relatives and friends. Interment was made at Cooperfield cemetery.

To Give Xmas Music Feast

RALEIGH, N. C., Dec. 9th. (Special)—The College Women's Club, Raleigh Branch of the National Association of College Women, will sponsor a Xmas Music Festival with the following schools and colleges participating: Bennett College, A and T College, Palmer Memorial Institute, Shaw University, and Washington High School. There will also be a special choir and Mrs. Nell Hunter's WPA Chorus from Durham.

The festival will take place in the Raleigh Memorial Auditorium and it is expected that a record audience will be in attendance. A feature of the program will be the presentation of J. P. Bond, Jr. director of the NYA, who will acquaint the audience with the large program of the National Youth Administration.

All local schools, colleges and churches are invited to hear the singers in this effort of the college women to engender youth fellowship.

The program will begin at 3 o'clock on Sunday Dec. 11.

Dr. J. N. Mills prominent physician of Durham, trustee of Saint Joseph Church and president of the General Alumni Association of Kittrell was present and after outlining a plan to enlist all students and graduates of Kittrell College in local church groups for the purpose of assisting in the rehabilitation of the institution challenged the overflow assembly to stand by his alma mater.

That this challenge was accepted was demonstrated at the test by the long and loud applause given the speech.

ATLANTA'S MUNICIPAL AUDITORIUM OPENS TO HER



ETTA MOTEN

Concert artist, who appeared in Atlanta's beautiful new municipal auditorium last Monday night in a triumphal event, the first sponsored by and for Negroes in the newly completed structure. Booker T. Washington High School, one of the South's most progressive educational institutions, presented Miss Moten through the courtesy of the Chicago Concert Bureau, 3548 Vernon Avenue. The talented artist came to Atlanta after concerts at Langston University, Fort Smith and Pine Bluff, Ark., and is scheduled for Indianapolis, Ind., Knoxville, Tenn., Little Rock and Hot Springs, Ark., New Orleans, Florida State college.

Vanishes After Paying Rent To Landlord

Durham police were notified this week of the disappearance of Clarence Williams, garage worker who after paying a week's rent to his landlady, Mrs. L. J. Spaulding, 305 Umstead Street, and informing his wife that he was going up town to meet a friend, mysteriously dropped from sight.

Mr. Williams is supposed to have come here from Charlotte with his wife Mrs. Florine Williams.

According to information obtained at his place of abode he left there in a 29 Buick coupe, Thursday afternoon with the intention of returning in a short while.

Representatives of the Carolina Times, stated that the missing man is about 35 years of age, weight about 150 pounds, and around 5 feet 8 inches tall. He took no extra clothes with him.

His wife Mrs. Williams has expressed herself as being very much uneasy about the whereabouts of her husband, as there has been no reason for him to leave home without notifying her, she stated.

The Williams came to Durham about a week ago, and secured a room at the home of L. J. Spaulding who is a well known real estate man here.

Any persons knowing the whereabouts of Mr. Williams will kindly inform the Carolina Times immediately or Mrs. Florine Williams, 305 Umstead Street of this city.

ORANGEBURG, S. C., Dec. 8.—Mrs. Shelle Sweet, 50, and her four year old grandson, were burned to death last Sunday in a fire of undetermined origin which destroyed their home.

1,700 Florida Teachers Raise Defense Fund For Salary Fight

Dean Latham Speaks To NACW

BY WILLIAM TUCK

HALEIGH, Dec. 9. (Special)—The November meeting of the Raleigh Branch of the National Association of College Women was held this week at the residence of Mrs. Louise Perrin on South Blount Street. After reports from the various committees had been given Miss Thelma Butler, chairman of the program committee introduced the speaker of the evening.

Dean Louise Latham, who spoke to the group on "Guidance in The Washington High School." In her introductory remarks she said, "We are hoping to build good citizens through the Student Council at the Washington High school."

Dean Latham explained how the weekly "Charm" School held each year has done much to contribute to the cultural development of the Washington High School girls. The affair climaxed this not only gives the students practice in a natural social activity but the school is given an opportunity to interpret its social life to the parent.

The president, Mrs. Sarah Eason, welcomed the following new members: Misses Margaret Quiermon, L. Groves, Emma Wells, Margaret Jackson, Mrs. Susie Yeargin all of Shaw University and Miss Myrtle Mitchell of North Carolina College Durham.

A delicious salad course was served by Mesdames L. Perrin, S. Eason and Miss Thelma Butler.

Michigan's First Negro Judge
Presides in County Court

GRAND RAPIDS, Mich., Dec. 9. (ANP)—Last Tuesday, for the first time in history of this state a Negro judge ascended the bench, the central figure being Judge Edmond C. White of Yaird Township, who presided in Lake County Circuit Court. The case at bar was an assault charge placed against John H. Smith.

The state was represented by County Prosecutor Allan Lidkes and Smith's counsel was Atty. Floyd H. Skinner of Grand Rapids. After witness he testified Prosecutor Lidkes moved for the defendant's dismissal and discharge. Judge White granted the motion and the defendant was released.

The state was represented by wife, Mrs. Amelia one brother, Hector, four children, Miss Lillian, a student of Hillsdale School, Estelle, Willie and William McMillian. Funeral services will be held from the Oak Grove Free Will Baptist Church Sunday evening.

JACKSONVILLE, Fla. Dec. 9.—Without a dissenting vote, 1,700 Florida teachers, meeting here in a two day session opening Thanksgiving day, pledged full financial support in the state wide fight to equalize the salaries of colored and white teachers in the public schools.

The pledge of financial support came shortly after an address made by Thurgood Marshall of the legal staff of the National Association for the Advancement of Colored People, who came here in connection with the case of John Gilbert, a public school teacher in Brevard County, Florida.

Gilbert was dismissed by the county board of public instruction, shortly after the Association filed suit against the board in his behalf. Gilbert is seeking to have his salary equalized with that of white teachers doing the same work. His case is now pending on appeal before the supreme court in Florida.

The Teachers not only agreed to raise a defense fund to fight the case, but also voted to pay for Gilbert's tuition in college in order to enable him to further his preparation for teaching while the case is being fought through the courts.

Urges Opening All Episcopal Colleges To Race

CHICAGO, Dec. 9. (ANP)—Opening of all the colleges and seminaries operated by the Episcopal church to Negro aspirants for the priesthood was one of the most important resolutions passed by the 1,000 delegates attending the National Episcopal Council of Churchmen held at the International house of the University of Chicago Tuesday and Wednesday under auspices of the Joint Commission on Negro Work of the Protestant Episcopal church.

The conference got underway Tuesday with Lt. Lawrence Oxley of the U. S. Department of Labor, director of the meeting, stating that Negroes were migrating from the Mississippi valley to Chicago at the rate of "1,000 to 1,200 a month" and the city's colored population "increased by 50,000 in 18 months during the worst of the

depression." Although the migration figure of 1,000 or more monthly was given out several months ago by Howard D. Gould of the Chicago Urban League, it is believed by many other Southerners to be too high.

Other prominent Negro leaders who appeared on the program included Arthur Chippey, St. Augustine's College; Doctor M. O. Bousfield, Julius Rosenwald fund; Doctor Frank Horne, United States Housing authority; Mrs. Faith Jefferson Jones, Chicago Relief administration; R. O'Hara Lanier, National Youth administration; the Rev. Cyril Bentley, American church institute for Negroes; the Rev. E. S. Thomas, Conference of Colored Church Workers; the Rev. J. Alvin Rouse, St. Paul School; and the Rev. H. Pace, Supreme Librarian of the YMCA.

AME Conference Endorses Bishop Davis' Program

BY DR. J. A. VALENTINE
Special Reporter and Pastor
Of St. Joseph Church of
Durham

CHAPEL HILL, Dec. 8.—The fifty fifth session of the Western North Carolina Conference which met at Chapel Hill Nov. 23 to 27th went on record as endorsing the program of Bishop M. H. Davis, presiding bishop of the 2nd Episcopal District in his effort to revive Kittrell College, one of the outstanding Colleges of the AME Church.

The conference took note of the unparalleled improvement now in process at Kittrell as being remodeled and repaired building, large acres of land made available for farming supplies of live stock and poultry, as well as a well trained faculty, many of whom have their master's degree from some of the most prominent universities of the country.

Bishop Davis' accurate accounting of funds entrusted to his care and his personal supervision of the administration and financial affairs of Kittrell College left no doubt in the minds of either clergy or laity that under his executive direction, and with his tense and unselfish

desire to restore this well known institution to its rightful place in the category of denominational school, he is bound to be successful.

We therefore call upon all loyal African Methodists in the state of North Carolina to join us in pledging both our moral and financial support to Bishop Davis in making this worthy objective namely, the establishment and maintenance of an institution of Kittrell dedicated to Christian education and to substantial citizenship in our economic set up, which means for trained workmen in every field.

The conference was graced with the presence of Doctor F. P. Graham, president of the university of North Carolina who expressed himself as being in sympathy with the program of Bishop Davis relative to his educational ideals, while the ministers and laymen, without a dissenting voice, gave Bishop Davis a standing vote of confidence.

The Western North Carolina Conference of the AME Church is standing solidly behind Bishop Davis in his plans to redeem Kittrell College.

Bridrso Stagers To Present First Play Of Season

The Bridrso Stagers of the North Carolina College will present their first performance of the year on Wednesday evening, December 14, at 8 o'clock in the B. N. Duke auditorium. They will present three one act plays under the capable direction of Miss Katie L. Kelly, coach in Dramatics.

The first presentation will be "The Elopement," by Howard Reid. Characters will be played by Miss Katherine Goins of Huffman, Miss Marie Rogers of Roanoke, Va., Earl Artis of Durham and Charles Cobb of Durham.

The second play will be "The Sophisticates," by Hiram Mansfield. Roles will be portrayed by Miss Pechahontas, Scott of New Bern, Miss Marietta Brown of Durham, John Smith of Statesville, William Stafford of Shelbyville, Ind., James Holden of Wilson and Bennie Moore of Durham.

The third play will be "White Dresses," by Paul Green, eminent North Carolina playwright from Chapel Hill. Actors will be Miss Genera Harper of Coker, Ga., Miss Lillian Chavis of Winston, Joseph Christmas of Durham and Stephen Thomas of Winchester, Mass.

Dress rehearsals will take place Tuesday night.