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THE NATION: "TO ALL ON EQUAL TERMS

It was 12:52 p.m., May 17, 1954. At the long mahogany bench sat the nine Justices of the U.S. Supreme Court. From the red velour hangings behind the bench to the great dors at the back of the room every seat was filled. Earl Warren, Chief Justice of the U.S. picked up a printed document from his desk and began to read in a firm, clear voice

There was an awesome quiet in courtroom. The eight Associate Justices gave Warren rapt attention. in the press section, reporters strained forward to catch every word. Departing from custom, the court had not given newsmen advance copies of the opinion. Shortly after the Chief Justice began reading, the first bulletin clacked out over the Associated Press wires: "Chief Justice Warren today began reading the Supreme Court's decision in the public school segregation cases. The court's ruling could not be determined immediately." At 1:12 the A.P. sent a second message to editors all over the world, who had been awaiting the momentous decision. Warren was attacking segregation in schools, but "the Chief Justice had not read far enough in the court's opinion for newsmen to say that segregation was being struck down as unconstitutional."

When Warren finished reading at 1:20 the ruling was crystal clear: the U.S. Supreme Court held that racial segregation in the public schools violates the constitution. The decision was unanimous.

Timely Reassertion

In its 164 years the court had erected many a landmark of U.S. history: Marbury v. Madison, the Bank of the United States case. Dred Scott, the Slaughterhouse cases, the 'Sick Chicken case' that killed the NRA, 1952's steel seizure. None of them except the Drer Scott case (reversed by the Civil War) was more important than the school segregation issue. None of them directly and intimately affected so many American families. The lives and values of some 12 million school children in 21 states will be altered, and with them eventually the whole social pattern of the South. The international effect may be scarcely less important. In many countries of a lifetime. Marshall, a graduate where U.S. prestige and leadership of Jim Crow schools handled the have been damaged by the fact of U.S. segregation, it will come as a tion for the Advancement of Coltimely re-assertion of the basic Am- ored People. Said he: "The most erican principle that "all men are created equal."

before the court in cases from South Carolina, Virginia, Delaware, Kansas and he Disrict of Columbia. In Wisdom and Tirades making its ruling, the court issued one opinion covering all of the state South, the reaction was varied. In cases, a separate one to deal with border states, e.g. Kansas and Okthe special legal aspects in the Dis- lahoma, officials calmly said that trict of Columbia. A sharp note they expected segregation to be endcrept into Chief Warren's voice as ed with little trouble. In Texas, he read one section of the District Governor Allan Shivers said that his of Columbia opinion: "In view of state will comply, but that it might our decision that the Constitution "take years" to work out the details. prohibits the states from maintain- From Virginia's Governor Thomas ing racially segregated public schools Stanley came a quiet, wise reaction it would be unthinkable that the He carefully read the full opinion same Constitution would impose a then told reporters: "I shall call tolesser duty on the Federal Govern- gether . . . representatives of both

ed that the history of the 14th Am- ed . . ." endment to the Constitution "(Nor schools. In 1868, there was little changed its constitution to permit public education for white children, it to abandon its public schools had Dial 4-8219

and less for Negroes. To decide the present case, the court had to conof its full development.

"Today education is perhaps the threat. most important function of state and local governments . . . It is the very foundation of good citizenship. Today it is a principal instrument in awakening the child to cultural values, in preparing him for later professional training, and in helping him to adjust normally to his environment. In these days it is doubtful judicial branch of the Government, the high-ceilinged, marble-columned that any child may reasonably be had his own label for the court's acexpected to succeed in life if he is denied the opportunity of an edu- power." Out of Georgia's statehouse cation. Such an opportunity, where the state has undertaken to provide it, is a right which must be made available to all on equal terms."

For Hearts and Minds

that it might be brought under Su- fight for their right under the U.S preme Court scrutiny, has justified and Georgia constitutions to manits segregation policy as giving "eq- age their own affairs . . . (We will) ual but separate" facilities to white map a program to insure continued and Negro children. This phrase and permanent segregation of the was used by the court in an 1896 | races." case involving Jim Crow transport. This week's opinion flatly rejected principle in education.

arate from being equal. "To separtus in the community that may af- story. fect their hearts and minds in a way unlikely ever to be undone . . . We conclude that in the field of public education the doctrine of 'separate but equal' has no place. Separate educational facilities are inherently

Because of the complex problems involved, the Supreme Court deferred decision on the method of implementing the new policy. It asked all sides to present argument next fall on 1) when schools should be ordered to abolish segregation and 2 who (a special master or the distict courts) should set and enforce the terms under which it will be

For a scholarly New Sork Negro lawyer named Thurgood Marshall, the court's decision was the victory state cases for the National Associagratifying thing, in addition to the act it was in favor of our side, is the unanimous decision and the The school segregation issue came language use. Once and for all, it's decided, completely decided.'

As the news spread through the state and local governments to consider the matter and work toward in his first important opinions a plan which will be acceptable to nnce he became Chief Justice last our citizens and in keeping with October, Earl Warren was clear and the edict of the court. Views of Name concise. The court was not surpris- leaders of both races will be invit-

shall any state deny to any person | In South Carolina, old (75), adathe equal protection of the laws . . mant Governor James F. Byrnes ") did not clearly show an inten- was "shocked" but calm. The fantion to prohibit segregation in the fare with which South Carolina

been interpreted as a warning to the Supreme Court. Now that the court sider "public education in the light has disregarded the warning, it remains to be seen whether South Carolina will actually carry out the

The loudest roars came from Geogia, which also has a law under which it could abolish the publicschool system. U.S. Senator Richard Russell, contending that the question of segregation should be decided by the legislative rather than the tion: "A flagrant abuse of judicial came a tirade from Governor Herman Talmadge: "The United States Supreme Court . . . has blatantly ignored all law and precedent and lowered itself to the level of common politics . . , The people of Geor-For many years the South, aware gia believe in, adhere to, and will

By legal manoeuvres (e.g., test "equal but separate' as a guiding cases in court, redistricting), Herman Talmadge and others could continue segregation for some time. But they Even if physical facilities are have little chance of making it perequal, said the court, there are in- manent. The Supreme Court's detangible factors which prevent sep- cision was another vital chapter in one of the greatest success stories the ate (Negro children) from others of world has ever known: The Amerisimilas age and qualifications solely can Negro's 90-year rise from slavbecause of their race generates a ery. The Herman Talmadges are not feeling of inferiority as to their sta- going to write the last chapter of that



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