

and we tried to use them. I have never had anyone to take the examination for admission to high school whom I did not recommend.

(Annual Reports of the Baltimore County Board of Education admitted in evidence and marked Petitioners' Exhibit #14—Annual Report for 1935 Petitioners' Exhibit #15.)

M. ANNE GRACE,

a witness of lawful age produced on behalf of petitioners having been first duly sworn was examined and testified as follows:

I am employed by the Board of Education of Baltimore County as a Supervisor in the elementary schools. I visit the teachers in their classrooms, conduct meetings, work on courses of study and help frame tests. I have not visited the colored schools in my official capacity. I have been in one or two of the schools with Mr. Herschner but not to visit the schools as a Supervisor. When there with Mr. Herschner, I was not there for the purpose of supervising. I am not acquainted, of my own knowledge, with the methods of instruction used in the colored elementary schools in Baltimore County. I have never been in the Cowdensville colored elementary school. As to the method of instruction used in the Cowdensville elementary school, my only knowledge is, insofar as I know, they follow our course of study. I have met the teachers in meetings and have given suggestions as to what they may do—discussed different things with them in the meetings. I help prepare the examinations. And gave the one in Catonsville in 1934. That examination was the essay-type. I did not help prepare that examination. I wrote the questions after they had been compiled and discussed them with the other supervisors and in conference with Mr. Hirshner. I do not remember Margaret Williams in the 1934 examination. I know the name on the paper, but I do not remember her. I administered the 1934 examination in Catonsville. I had control of it. Mr. Fletcher was there in and out of the room and he gave any assistance that he could

but he did not have any part to do with the actual giving of the examination except certain manual acts of passing out and so forth. The examination was marked at the City office by the Supervisors. I was there. We all marked the papers. Each of us marked certain subjects, which means that we marked all the papers from all the schools. The white examinations were not marked at the City office. I did not take part in the giving of the white examination in 1934. The standards used for marking the colored papers were that we used the answers we expected the children to give judging from the textbooks they had in use and the course of study in use. The Cowdensville school uses the same book orders that we have. I cannot actually say that they use these books except I know they use the same book order we have and they use the same books. When we marked these examinations for the colored children, we did not have any record whatever of the individual child. We could not take into consideration the child's record. The records did not come to our knowledge in any way. We had no information whatever concerning the child's classroom work except that she was sent to take the examination or she appeared of her own accord. The only factor that entered into the marking of this examination is what was actually said on the examination. We marked just as leniently as we possibly could. We considered the fact that the children sometimes could not express themselves in the way in which they liked and so if the answer showed that the child understood the question, we gave credit for it. We tried to be just as fair as we possibly could. The only factor even in this question of being lenient was based on what was on the examination paper. If the answer showed any evidence that the child understood and had tried to give the right answer, we gave credit for that. I did not give the 1935 colored examination because I was doing some other work. When we were called into consultation on the colored examination, we all discussed the questions together. The principals of the schools gave the white examinations in the seventh grade. The same examination was given. It was prepared by the same people, the Supervisors of the elementary schools. These examinations were discussed before they were printed.

CROSS EXAMINATION.

I have been discussing the 1934 examination. I did not participate in the preparation or the giving of the 1935 examination. In 1934 the same examination was given to white and colored pupils—in June, 1934. I did not participate in making the questions, but I was present at the conference when the questions were discussed. Mr. Hirshner was not present at the conference but they were taken to the City office, to the Towson office, for Mr. Hirshner to look at and read over. The questions were always submitted to Mr. Hirshner insofar as I know. I have not attended meetings at which both colored and white teachers were present. I have attended meetings with Mr. Hirshner on quite a number of times with the colored teachers and discussed certain subjects. I have also given them mimeographed material that I have prepared, or my teachers have prepared or some of the other Supervisors; as aids to help them in their instruction. The course of study is the same. The same textbooks are used in white and colored schools—the same book order is used.

Q. Miss Grace, this examination of 1934 that you gave, what have you to say with respect to the fairness or otherwise of that examination? A. I think it was very fair, Mr. Rawls.

(Mr. Marshall) If your Honor pleases——

(The Witness) It was based——

(The Court) Just a moment. What is the objection?

(Mr. Marshall) If your Honor pleases, the question is, did she think it is fair; and I want to know whether she is in a position to know.

(The Court) Well, she is with the supervisors, and a teacher in the public schools. I think that is all right.

(Mr. Marshall) At this point, if your Honor please, we make a formal motion to have her answer stricken.

(The Court) All right, overruled.

(Mr. Marshall) Exception.

Q. (By Mr. Rawls) All right, go ahead, proceed with your answer. A. Well, would you ask the question again, Mr. Rawls, please?

Q. Yes. What have you to say with respect to the fairness or otherwise of the examination that you gave in June, 1934, to the colored pupils? A. I think it was a very fair examination. It was based on the work that they had been taught in the class rooms, and it was very fair, indeed. We studied the examination questions very carefully before they were printed.

Q. And it was your purpose to make it fair, was it? A. To make it just as fa(i)r as possible.

(Mr. Marshall) Now, if your Honor pleases, to keep the record straight, I make my same motion, that these answers be stricken from the record.

(The Court) Same ruling.

(Mr. Marshall) Exception.

(Mr. Rawls) That is all, your Honor.

RE-DIRECT EXAMINATION.

I have worked on the book orders for the colored schools at times to see that the teachers were ordering books enough for their schools and I think I could safely say that those books were ordered for the Cowdensville school. In fact, I worked on all of the book orders for the colored schools just about 1934 and I know the same books were ordered for the colored schools that were ordered for our schools—the white schools. I do not know that these books were delivered. I was not present when the examinations were prepared. The only way I know that the white Supervisors prepared the questions in the examination is that they were submitted at the conference. I happen to be secretary of the Supervisors' conference and I know these questions were submitted by each Supervisor. Each Supervisor prepared the questions from the textbook and the course of study. They handed them in in their own handwriting. We use the same course of study

in the colored and white schools. I cannot say whether there are any modifications of the course of study for colored schools. There was no consideration left open for the modification in the course of study in the preparation of the examinations. The examination was based on the course of study and the textbooks. The colored children were required to pass each subject of their examination. I do not know the passing mark required, but I helped mark the papers and submitted the records. We did not take into consideration what mark was necessary for passing. We sent the report to the Towson office, Mr. Cooper's and Mr. Hirshner's office. We sent in the records on each subject exactly as they were made. In my opinion, a child we passed the examination and yet made a mark of 30 in arithmetic, has failed. Arithmetic is a very important subject, history is also important.

RE-CROSS EXAMINATION.

Seventy out of a possible hundred would be a passing mark in arithmetic. Thirty out of a hundred would be a very poor mark.

NELLIE B. GRAY,

a witness of lawful age, produced on behalf of the petitioners, having been first duly sworn, was examined and testified as follows:

I am at present Supervisor of elementary instructions and principal of the Catonsville elementary school. I held the same position in June, 1935. In June, 1935, I gave the examination to the colored pupils of Baltimore County at Catonsville. I have never supervised the colored elementary schools. I have visited them during the last ten years but have not supervised them. I have been in the Cowdensville elementary school but not to supervise. The 1935 examination was a standard test prepared or advised by the State Department. I do not have a seventh grade in the Catonsville elementary school. I have a seventh grade in a school under my control at Westchester. The principal of that school gave the examination in January. I do not know what happened to the