

thirty or thirty-five. I think they came from three schools. I believe they were Halethorpe, Cowdensville, and Catonsville. I do not know what proportion went to high school.

REV. JAMES E. LEE,

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

My name is Rev. James E. Lee. I live at Arbutus. Cowdensville is the name given to the community. I am pastor of the church there. I know the Petitioner, Joshua Williams and also his daughter, Margaret Williams. On September 12, 1935 I made a trip with Mr. Williams and his daughter to the high school at Catonsville, of which Mr. Zimmerman is the principal. I went into the office and saw Mr. Zimmerman. Mr. Zimmerman who was on the witness stand is the same gentleman I am speaking of.

A. On the morning of September 12th, Joshua Williams came to where I live and asked me if I would not go with him to Catonsville on that day, for the purpose of taking his daughter to school. I told him I would, since I did not have anything to do that morning. So we went to the high school. And it was about the hour of the beginning of the morning session. The two girls, Margaret Williams and Lucille Scott, with Joshua Williams and myself, went into the office of Mr. Zimmerman. There was, perhaps, one teacher and his stenographer or secretary in the office. The card of Margaret Williams' promotion and of Lucille Scotts promotion was handed to Mr. Zimmerman, and he was asked if those cards would entitle the students to go to high school, or be admitted to high school. He replied that they would. The question was asked Mr. Zimmerman by *Josehu* Williams, "if that is true, I came here then to enter my daughter." Mr. Zimmerman replied that he had no objection to teaching white and colored, but that the regulations of the County were against the girl being allowed to enter, and Mr. Williams was to see Mr. Hershner. That is the conversation that took place in Mr. Zimmerman's office.

(Mr. Marshall) Your witness.

(Mr. Rawls) No questions.

(The Court) That is all.

(Examination of witness concluded.)

(Mr. Marshall) If your Honor pleases, we have the record card here of Margaret Williams, and with the consent of counsel on the other side, we will admit this in the record for the purpose of showing the girl's age. I might call the Court's attention to the fact that on the record it appears there is an erasure, or a number pressed over. It is either 20 or 21, the year 1920 or 1921 that she was born.

(Card referred to marked "Petitioners' Exhibit No. 21.")

(Mr. Rawls) My recollection is that the father testified to '21.

(Mr. Marshall) Now, if your Honor pleases, at this time, in our pleadings and orally in the case we called for the white examinations, and we again call for the white examinations that were given in the years 1934 and 1935, and we are calling upon the other side to produce them.

(Mr. Marbury) It was testified that they were destroyed.

(Mr. Rawls) It has already been testified, I think, your Honor, that they are not kept for more than six months, and that the papers for the entire examination for 1934 and '35 are not available.

(The Court) Proceed.

(Mr. Marshall) Therefore, if your Honor pleases, we just want to call the attention of the Court to the fact.

I think when Mr. Cooper was on the stand he testified as to the letters sent to the colored principals before the examination was given. And we ask for the letters from the white principals. And we want to know if copies of those have been found yet. You remember, there was a letter sent to the colored principals telling them about the

examination and all, and I ask if the same type of letter was sent to the white principals, and if so, to produce copies.

(Mr. Rawls) I do not know what the fact is, your Honor, I will have to get the—

(Mr. Marshall) The letters that were sent to the colored principals, addressed to the colored principals.

(Mr. Rawls) For what year?

(Mr. Marshall) 1934 and '35.

(Mr. Marbury) They would not be the same type, because they did not conduct the examination in the same way.

(Mr. Rawls) Obviously not.

(Mr. Marshall) All right.

(Mr. Marbury) Well, you said that there is no such letter.

(Mr. Rawls) I don't know.

(Mr. Marshall) Your Honor, the only statement I want in the record is that they are not produced.

(Mr. Rawls) We do not know that there are any.

(Mr. Marshall) Very well.

(Mr. Rawls) We will have to get the facts on that. We are perfectly willing to put Mr. Cooper back and let him testify whether there were any such letters.

(Mr. Marshall) Very well.

(Mr. Cooper) What kind of letter?

(Mr. Marshall) Any kind of letter that was sent to the white principals about the examination. You remember we were talking about the colored examination. It is just for the purpose of the record. I mean, we can go right ahead, and if they are produced we can put them in with your consent, Mr. Rawls.

(Mr. Rawls) All right; we can go ahead and look them

up and see what they are, and give them to you, if there are any.

(The Court) All right.

(Mr. Marshall) Your Honor, at this point I want to call to your attention that the examination papers of Margaret Williams have been mismarked by the stenographer as Petitioners' Exhibit. They were Respondents' Exhibits.

(Mr. Roe) They were put in by consent.

(Mr. Marshall) We can take care of that later on. We will introduce these, if there is no objection.

(Mr. Marbury) What dates are those?

(Mr. Marshall) June 15, 1935, and May 23, 1934.

(Mr. Marbury) That is right.

(Papers referred to marked "Petitioners' Exhibits Nos. 22 and 23.")

(Mr. Marshall) If your Honor pleases, that is the petitioners' case.

(The Court) Petitioner closes.

DR. ALBERT S. COOK,

a witness of lawful age, produced in behalf of respondents, being duly sworn was examined and testified as follows:

I am Superintendent of Schools for the State of Maryland, under the State Board of Education. I have been Superintendent for 16 years and prior to that was Superintendent of schools of Baltimore County for 20 years. I am not as familiar with Baltimore County schools now as I was then. They are under my general supervision. I am familiar with the general set-up of the Baltimore County schools. I am familiar with the public school systems generally in the United States and I have studied administration for 36 years off and on. I have attended Columbia University to study administration. White and