

time if we could have a great many of these things admitted.

(Mr. Rawls) I think the primary facts stated are admitted. The pleadings will show, your Honor. I did not check each statement, but I think the facts as stated are substantially correct.

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TESTIMONY ON BEHALF OF PETITIONERS.

Thereupon,

**JOSHUA B. WILLIAMS, JR.,**

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

I live at Cowdensville near Halethorpe, Baltimore County, State of Maryland. I have lived in Cowdensville, Baltimore County, all of my life, 33 years. I am a citizen and taxpayer of Baltimore County and have paid taxes since 1924. My family have been taxpayers as long as I can remember. I am the father and next friend of Margaret Williams, the infant petitioner in this case and I bring this suit on my own behalf as a taxpayer and as father of Margaret Williams as her next friend. I have four children, all of school age. Margaret Williams attended Cowdensville school, a public elementary school in Baltimore County. This school is known as School 21. Margaret began school, I think, in 1926. At the end of her seventh grade she received a report card showing that she had completed the seventh grade. She obtained this report card from the principal of the school. This was in 1934. After she completed the seventh grade she was sent to the elementary school in Catonsville for another test. After she had completed the seventh grade she went to Baltimore City and went to the Junior High School one month. She was sent by the Principal of the school. They told me it was a necessity, or something or other, something set aside by the school authorities. The examination was held in Catonsville school, a little better than three miles from Cowdensville. She was not offered transportation by school authorities. One of my neighbors took her up there and I went up and brought her

back. About a month later the Superintendent of Schools of Baltimore County informed me that she had failed and it would be advisable for her to take the seventh grade, complete the seventh grade again. I sent her back to Cowdensville school to complete the seventh grade. She completed it the second time and I was informed that she was promoted from the seventh grade a second time. I was informed by her report card again. (The report card was introduced in evidence and marked as Petitioner's Exhibit 1.) This is the report card for the year 1935. On the bottom of the report card is written "promoted to the eighth grade, June 21, 1935." She went to Catonsville and took the examination a second time. We were informed that was the ruling of the School Board. The School Board did not offer to pay her transportation and I provided transportation for her. There is no grade in the educational system of Baltimore County above the seventh grade in Cowdensville school. Education above the seventh grade is offered in a school at Catonsville. They have a High School education. This school is maintained by the Board of Education and the taxpayers of Baltimore County. There is no high school education at the Cowdensville elementary school. I tried at the Catonsville High School for admission within a reasonable time and during the period of admission to this Catonsville High School. I presented my daughter and her record and tendered ourselves willing and able to abide by all the lawful rules of that school. I asked for admission of my daughter to such next higher grade at such school. She was refused admission by Mr. Zimmerman, Principal of the Catonsville High School. I showed him the report card and he said to me that would entitle her to enter any school, any high school. Well, I asked him, I said, well, why can't she enter this one? He says as far as he was concerned, he said he did not mind teaching anybody, but it was against the rules and regulations of the County, the Board of Education, and that I could see Mr. Hershner, the Superintendent, and he would inform me what to do. My daughter was present during this time and also Lucille Scott, my neighbor's daughter, and our Pastor, Reverend James E. Lee. They heard Mr. Zimmerman's statements. After she was refused admission I went into lawyer Marshall's office and asked

him about it. He applied on my behalf to the School Board. Nobody from the Board of Education of Baltimore County has offered me anything in the way of further education for my child beyond the completion of the seventh grade.

#### CROSS-EXAMINATION.

My daughter attended the Cowdensville school. She did not attend any other school in Baltimore County. She went one month to the Junior High School in Baltimore City in the year 1935. Apart from the Cowdensville School 21 she attended no other school in Baltimore County. I think she began school in 1926. She attended the elementary school and was in the seventh grade at the time we are now talking about. She attended the seventh grade from September, 1933, until June, 1934. In 1934 she attended the entire year. She was in the seventh grade. At the end of the year in June she received a report card from the Principal. I do not have this report card. The report card stated she had been promoted to the eighth grade. I know there is no such thing as an eighth grade in the Cowdensville school. As far as I know there is no eighth grade in any of the colored public schools in Baltimore County. The teacher told my daughter that she would have to go to Catonsville for an examination. They did not say what for. She went to Catonsville for that examination. She took the examination. After she took the examination I received a letter. I do not have the 1934 letter. I was informed that she failed in the examination. She went back to the seventh grade in Cowdensville in the fall of 1935. She repeated the seventh grade in the next year. In June, 1935, according to the Principal, she was promoted. I received this information on the report card. It said "Promoted to the eighth grade as shown on this card." (Indicating Petitioner's Exhibit 1). In June, 1935, she was notified to take an examination. I do not think she was ever told for what purpose she was to take the examination. I have an idea that it was to be an examination on what she had had in the seventh grade. I think she was examined for the purpose of determining whether she was fitted to go to high school. After she took the examination I got the letter that you have there. That letter told me the

information about the examination. Yes, that is the letter.

It is headed, "The Board of Education, Baltimore County, Towson, Maryland. August 8th." It looks like August 8, 1935.

"Miss Margaret Williams, Halethorpe, Maryland.

"Dear Margaret:

"You are advised that your score in the recent test for high school tuition was too low to secure approval of the Board of Education. Your score was 244 out of a possible 390 points. This score is the equivalent of grade 7.6, and is below the completion of the seventh grade standing. If you are not sixteen years of age, and have had only one year in the seventh grade, you should repeat the grade next year.

"Very truly yours,

"J. T. Hershner, Assistant Superintendent."

After receiving the information that she had failed in this test I took her to the Catonsville school. The letter read that if she was not 16 and had had but one year in the seventh grade, it would be advisable to take the seventh grade over again. She is not 16. She has had two years. She has been in the seventh grade a second time. She went to the high school in Baltimore City after she had had one year in the seventh grade in September, 1934. She went for one month. She went on the recommendation of her report card. On this here (Petitioner's Exhibit 1). She went to School 130. Corner of McCulloh and Lafayette Avenue. At the end of the month she was informed that her parents lived in the county and if she wanted to stay in the high school I would have to pay her tuition. As for her work, she done favorable work. She was told that she would either have to pay tuition or leave school. I did not see where it was any use to communicate this fact to anybody in Baltimore County. She went back to the seventh grade in Baltimore County and stayed there until the next June. She took the examination as I have stated and I was notified on August 8, 1935, that she had

failed the test for entering the high school. In September, 1935, I went to the Catonsville school for the purpose of admitting my daughter to the county high school. I knew it was a high school. I did not know it was a white school. I know it was a public school. I knew it was a school where white children went. She never went to any school in Baltimore County where there were white pupils. There were all colored children going to the school where my daughter went. I do not know whether any white children could have went there or not. I know they did not go there. As far as I have seen it seems that separate schools are maintained for white and colored pupils in Baltimore County. As a result of what the principal told me at the Catonsville school I took my daughter home and she did not go to the Catonsville high school. I was not present when my Counsel, Mr. Marshall, went before the Board. She did not return to any school in the year 1935 and 1936 because the letter I received stated if she had not had but one year in the seventh grade their advice was for her to repeat the seventh grade. My daughter was born September, 1921. In September, 1935, she would have been 14 years old, still under 16. According to the letter she was not eligible to return a third year to the seventh grade.

#### REDIRECT EXAMINATION.

To the best of my knowledge there is no eighth grade in Baltimore County in the so-called white schools. There is a high school in the so-called white schools in Baltimore County beyond the seventh grade. This is after completion of the seventh grade.

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#### DAVID W. ZIMMERMAN,

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

#### DIRECT EXAMINATION.

My full name is David William Zimmerman, Principal of Catonsville High School, one of the defendants in this case. (Permission granted by Court to proceed on the