

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.

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

basis of cross-examination, on the ground that witness was an adverse witness.) Catonsville high school is one of the public high schools in Baltimore County maintained and operated by the Board of Education of Baltimore County. This high school receives state aid and is an approved high school, approved by the State Board of Education. In this high school I follow the standards for Maryland County high schools as prepared by the State Board of Education. I am the proper admitting officer of this school. I do not know where the Cowdensville elementary school is. I do know where the Arbutus elementary school is and after children graduate from the Arbutus school they apply for admission to the Catonsville high school which is the nearest public high school to the Arbutus elementary school. I do not know Margaret Williams, the infant petitioner. I have never seen her before. I have seen Joshua B. Williams. In September, 1935, during the time when I admit students to the high school, Joshua Williams appeared. The school was not over-crowded. Joshua Williams told me he would like to admit his daughter to this high school. He showed me her report card. I did not look at it. I looked at it, but I did not examine it. To my knowledge this report card (Petitioner's Exhibit 1) is not the report card. The report card he showed me had "promoted to eighth grade" on it. This has "promoted to eighth grade" on it but I did not notice it. I did not examine it carefully, but I did notice that it had "promoted" on it. It is the usual type of report card, but it is not the proper form. The report cards that we receive have on them "promoted to high school" with the signature of the principal beneath it. The principal writes on the bottom in her own handwriting "promoted to high school," and signs that. If Joshua Williams had been a white man, and had presented his daughter a white girl, and had handed me a report card like this and the only difference would have been on the bottom reading promoted to high school and over the principal's signature from one of our schools I would have accepted the pupil. If this parent and child had been Spaniards, I would have consulted the Board of Education before admitting her. If they were Russians I would accept them. If they were Japanese I would have referred it to the Board of Edu-

cation and Chinese also. I refused Margaret Williams because I had no jurisdiction over the colored race. In the first place I refused because the report card was not in due form. I did not tell that to Joshua Williams. I don't think I told him that I could not admit his child because of the ruling of the County Board, which was that colored children could not attend my school. I have jurisdiction over white pupils and any other but white I would always refer to the Board of Education. I called Mr. Cooper that evening and advised him that Mr. Williams had applied for admission. If the parent and child were Chinese, Spaniards or Japanese I would call the authorities over the phone while the parent was there and ask them. If I was real busy I would ask the parent to come back. I did not ask Joshua Williams to come back because I had no jurisdiction. I got the idea that I did not have jurisdiction over Negro children because I am principal of a high school, an approved high school for white pupils. The schools maintained for whites and colored have never had anything except whites or colored. Therefore if anybody other than white should apply for admission I happen to know there is an elementary school system in Maryland by practice. The school board has never told me in so many words who I could not admit. We have printed regulations. I do not have them with me. The reason I refused Margaret Williams was lack of jurisdiction. If she had been a white child who came to me, stating and with evidence of the fact that she was promoted to the high school, I would have admitted her. But I refused to admit Margaret Williams.

CROSS-EXAMINATION.

If a white pupil had come to me with a card of that kind, containing the statement "promoted to eighth grade" I would not have admitted that white pupil in the Catonsville High School.

CLARENCE G. COOPER,

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