

DONALD G. MURRAY,  
1522 McCulloh Street,  
Baltimore, Maryland,

IN THE  
BALTIMORE CITY  
COURT.

vs.

RAYMOND A. PEARSON, President,  
W. M. HELLEGEIST, Registrar,  
and  
GEORGE M. SHRIVER,  
JOHN M. DENNIS,  
WILLIAM P. COLE,  
HENRY HOLZAPFEL,  
JOHN E. RAINE,  
DR. W. W. SKINNER,  
CLINTON I. RIGGS,  
MRS. JOHN L. WHITEHURST, and  
J. MILTON PATTERSON,  
Members of the Board of  
Regents of the University of  
Maryland.

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*Answer*

Now come the defendants, by Herbert R. O'Connor,  
Attorney General, and Charles T. LeViness, Assistant Attorney  
General, their attorneys, and for answer to the petition for  
a writ of mandamus herein filed against them say:

1. They admit the allegations of fact contained  
in the first paragraph of said petition.
2. They admit the allegations of fact contained  
in the second paragraph of said petition.
3. They admit the allegations of fact contained in  
the third paragraph of said petition, with this qualification  
that the Baltimore Schools of the University of Maryland, of  
which the Law School is a part, do not derive their maintenance  
funds principally from the general treasury of the State but  
are supported principally by tuition fees paid by students in  
said schools.

4. They admit the allegations of fact contained in the fourth paragraph of said petition.

5. They admit the allegations of fact contained in the fifth paragraph of said petition.

6. They admit the allegations of fact contained in the sixth paragraph of said petition.

7. They admit the allegations of fact contained in the seventh paragraph of said petition.

8. They admit the allegations of fact contained in the eighth paragraph of said petition.

9. They admit the allegations of fact contained in the ninth paragraph of said petition.

10. The defendants have no personal knowledge of the matters and facts alleged in the tenth paragraph of said petition, and, therefore, can neither admit nor deny the same; however, they demand strict proof of such as may be pertinent to this case.

11. The defendants admit that the petitioner has applied in due form for admission to the Law School of the University of Maryland, as alleged in the eleventh paragraph of said petition.

12. The defendants admit that the petitioner has been denied admittance to the Law School of the University of Maryland, but deny that they have wrongfully or arbitrarily done so, as alleged in the twelfth paragraph of said petition, their reasons for such denial being hereinafter set out.

13. The defendants comprising the Board of Regents aforesaid admit that they have had ample time and adequate opportunity to consider and act upon the petitioner's appeal to them; further they aver that they have acted thereon and

that President Pearson's letter to the Petitioner, dated March 8th, 1935, referring him to Howard University in Washington, constituted an answer for the said Board of Regents; the defendants specifically deny that Petitioner's appeal has been ignored, and that the said Board of Regents does not intend to act thereon.

14. The defendants have no personal knowledge of the matters and facts alleged in the fourteenth paragraph of said petition, and hence can neither admit nor deny the same.

15. The defendants specifically deny the matters and facts alleged in the fifteenth paragraph of said petition.

16. The defendants specifically deny the matters and facts alleged in the sixteenth paragraph of said petition.

17. The defendants specifically deny the matters and facts alleged in the seventeenth paragraph of said petition.

And for a further answer to the said petition the defendants say:

1. That the State of Maryland, in order to afford adequate educational facilities to colored persons of the State, has provided separate and satisfactory institutions of learning for the exclusive use and benefit of such colored persons, or otherwise has supplied equal opportunities for education to colored persons, and that the petitioner is a negro or a member of the colored race, and is entitled to the benefits of the special provisions made for members of his race.

2. That the General Assembly of this State has set up and the State now maintains an elaborate system of free public education for negro children, provided in Article 77, Sections 200 et seq. of the Code of Public General Laws; that the State further offers industrial schools for negro students, provided

by Article 77, Secs. 211 et. seq. of the Code; that the State further offers normal school education to instruct colored teachers in the science of education, as provided in Article 77, Section 256 of the Code; that the State has for many years conducted for negro students an institution of higher learning known as Princess Anne Academy, at Princess Anne, Maryland; and that the Legislature of 1933 passed an act providing funds to establish partial scholarships at Morgan College or at institutions outside the State of Maryland, for negro students desiring to take professional courses or such other work as is not offered at Princess Anne Academy, said Act being known as Chapter 234 of the Acts of 1933 and reading as follows:

NEGRO EDUCATION UNDER THE MORRILL ACT

214A. "That the funds for residence education now received by the University of Maryland from the Government of the United States under the Morrill Act, now amounting to \$50,000 per year, shall be divided on the basis of the population of the State of Maryland as shown by the latest census, so that a percentum of these funds equal to the percentum of the negro population to the whole population of the State, shall be expended by the Comptroller of the State, upon recommendation of the Regents of the University of Maryland, for the benefit and in the interests of the Princess Anne Academy.

"The Board of Regents of the University of Maryland may allocate such part of the state appropriation for Princess Anne Academy or other funds of the Academy as may be by it deemed advisable, to establish partial scholarships at Morgan

College or at institutions outside of the State of Maryland, for negro students who may apply for such privileges, and who may, by adequate tests, be proved worthy to take pro-  
-side of the - fessional courses or such other work as is not offered in the said Princess Anne Academy, but which is offered for white students in the University of Maryland; and the Board of Regents of the University of Maryland shall have authority to name a Board which shall prepare and conduct such tests as it may deem necessary and advisable in order to determine which applicants for scholarships may be worthy of such awards".

That the 1935 Legislature, by Chapter 577 of the Acts of 1935, approved April 29, 1935, created a commission on Higher Education of Negroes to administer the sum of \$10,000. for scholarships to negroes to attend college out of the State; and it is expressly provided by said Act that these scholarships are for "college, medical, law or other professional courses", for the "colored youth of the State who do not have facilities in the State for such courses".

3. That the State, therefore, offers substantially the same educational advantages to negro students, not only in school and college work but also in professional work, as it offers to white students.

4. That on the eight day of December, 1934, the petitioner made application in writing to the Dean of the Law School of the University of Maryland for a formal application blank and bulletin of the Law School; that on the fourteenth day of December, 1934, the defendant Pearson replied to the

Petitioner, calling his attention to the passage by the 1933 Legislature of the above mentioned Act of the Assembly, "creating partial scholarships at Morgan College or institutions outside of the State for negro students who may desire to take professional courses or other work not given at the Princess Anne Academy"; that the defendant Pearson in said letter further informed Petitioner that if he desired to make application for such scholarship, he would see that such application was duly filed; that on the sixth day of March, 1935, the Petitioner thereupon addressed a letter to the Board of Regents of the University of Maryland, in which he stated that he had made application to be admitted to the Law School of the University of Maryland, and that the officials of the University had refused to consider his application and had returned to him the application and money order for a \$2.00 fee; that petitioner in said letter further stated that he was qualified for admission to the Law School and appealed to the said Board to accept his application; on the eighth day of March, 1935, the defendant Pearson thereupon answered the aforementioned letter to the Board of Regents of the University of Maryland, calling to Petitioner's attention the exceptional facilities open to him for the study of law in Howard University in Washington at a lower cost to a student than the tuition and fees in the University of Maryland Law School.

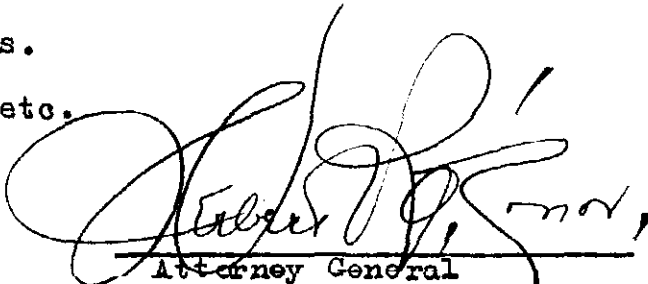
5. That it has been the policy of this State to provide adequate educational facilities for negro students in proportion to the demand for same; and that there has never been a demand in this State, except in isolated instances such as in the present case, for legal education for negro students; that the State maintains an elaborate system of free education

for negroes in this State which cares for substantially all the educational requirements of its negro citizens, insofar as it is able so to do and in substantially the same proportion, according to their numbers, as for white students; and that for those few negro citizens who desire professional study not otherwise provided for in the State, scholarships out of the State are provided as aforesaid.

6. That the Petitioner will suffer no damage by the denial of his application for the reason that the tuition and charges at Howard University, which offers facilities for legal study of high standards, which standards compare favorably with those of the University of Maryland School of law, are lower than those charged to citizens of Maryland here at the said University of Maryland School of Law.

And now having fully answered the said petition for a writ of mandamus, the defendants pray that they may be hence dismissed with their costs.

And as in duty bound, etc.

  
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Attorney General

  
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Assistant Attorney General  
Attorneys for Defendants.

STATE OF MARYLAND

CITY OF BALTIMORE, to wit:

I hereby certify that on this 4th day of May, 1935, before me the subscriber, a Notary Public of the State of Maryland, in and for Baltimore City aforesaid, personally appeared Raymond A. Pearson, President of the University of Maryland, on his own behalf and on behalf of the other defendants in this case, and made oath in due form of law that the matters and facts contained in the foregoing answer are true to the best of his knowledge and belief.

Witness my hand and Notarial Seal.

*Hattie J. Sweeney*  
Notary Public.