

Chicago, 8/3/1918.

I am delivering today to Lessing Rosenthal 632 shares of Sears, Roebuck and Co. Common Stock, signed in blank. 625 of these shares are to be placed in trust, the income, not to exceed \$5000 annually, to be paid to Judge Julian W. Mack for such charitable purposes as he may care to use them, without accounting therefor, DURING HIS LIFE TIME. At his death, the shares are to become a part of "The Julius Rosenwald Fund"

The other seven (7) shares are to be returned to me. On account of my leaving for abroad today, I have left the matter in this shape.

8/3/1918.

LAW OFFICES OF
ROSENTHAL, HAMILL & WORMSER
 105 WEST MONROE STREET
 CHICAGO

CHARLES H. HAMILL
 LESSING ROSENTHAL
 LEO F. WORMSER

January 4, 1919.

In re Julian W. Mack Charity Fund.

Mr. Julius Rosenwald,
 Care of Sears, Roebuck and Co.,
 Arthington and Homan Avenues,
 Chicago.

Dear Julius:

On August 3, 1918, I received from you the following certificates of the common capital stock of Sears, Roebuck and Co. of the par value of \$100.00 each:

Certificate No. ^C/_B 38884, dated October 29, 1917, for 32 shares
 Certificates Nos. CC3244 to CC3249 (both inclusive),

all dated April 1, 1911, for 100 shares each 600 shares
 Representing in the aggregate 632 shares.

Of this aggregate number, six hundred and twenty-five (625) shares were to be employed to create the trust and for the uses and purposes declared, limited and defined in the letter addressed by me to Julian W. Mack, dated August 31, 1918, of which a copy has been delivered to you, and which trust is referred to in the caption of the letter as the "Julian W. Mack Charity Fund." This trust was expressly accepted by Julian W. Mack in accordance with the terms stated, as evidenced by his written acceptance upon your copy.

Paragraph IV of the agreement provided that the shares of stock might be transferred directly into the name of Julian W. Mack and thus placed of record, but in such case he was to endorse in blank all the certificates representing the stock and redeliver the same either to you or to me for the purposes of the trust, or to such person or persons or such trust company, as you might designate or appoint.

This transfer has been made and the new certificates, all dated October 17, 1918, representing the 625 shares of Sears, Roebuck and Co. common stock, have been delivered to Julian W. Mack and have been endorsed by him and redelivered to me, and I am herewith sending them to you. They are as follows:

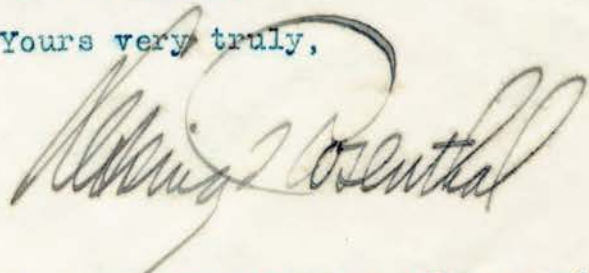
Certificate No. $\frac{C}{B}$ 41838, for	25 shares
Certificates Nos. $\frac{C}{C}$ 7389 to $\frac{C}{C}$ 7394, both inclusive,	
each for 100 shares, representing in the	
aggregate	<u>600</u> shares
Making in all	625 shares.

All of these certificates have been endorsed in blank by Julian W. Mack and witnessed by L. J. Larsen and are sent to you herewith by registered mail.

I am also returning to you Certificate No. $\frac{C}{B}$ 41837 for seven (7) shares of the common stock of Sears, Roebuck and Co. This accounts for the 632 shares originally delivered to me.

I suggest that you file the original trust agreement and this letter with the Julian W. Mack shares.

Yours very truly,



LR-FDO
Encl.

P. S.: I am assuming that you are keeping all securities which you hold in trust in a box distinctly designated and wholly separate from your own funds and securities. I regard this important.



LAW OFFICES OF
ROSENTHAL, HAMILL & WORMSER
 105 WEST MONROE STREET
 CHICAGO

CHARLES H. HAMILL
 LESSING ROSENTHAL
 LEO F. WORMSER

JULIAN W. MACK CHARITY FUND

Chicago, August 31, 1918.

Hon. Julian W. Mack,
 Care of United States District Court,
 Woolworth Building, New York, N. Y.

Dear Julian:

Julius Rosenwald has delivered to me certificates (duly endorsed by him in blank) representing six hundred and twenty-five (625) shares, of the par value of One hundred dollars (\$100.00) each, of the common capital stock of Sears, Roebuck & Co. (a corporation organized under the laws of the State of New York). He did so in order to create the following Trust and for the uses and purposes hereinafter declared, limited and defined:

I.

All dividends derived from the six hundred and twenty-five (625) shares are during your lifetime to be paid over to you, as received from time to time, to be employed by you, in your own absolute discretion, for such charitable purpose or purposes as you may in your own uncontrolled judgment, from time to time, determine; provided only, that if and whenever the income derived from the shares of stock so transferred should in any calendar year exceed the sum of Five thousand dollars (\$5,000.00), the excess of the income over and above such sum of Five thousand dollars (\$5,000.00) is to be turned over at the end of such year to The Julius Rosenwald Fund (a corporation organized under the laws of the State of Illinois for charitable purposes) and such excess shall be devoted by said corporation to charitable purposes.

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The "charitable purposes," as used herein to which you may devote the said income from said shares received by you shall be interpreted as broadly as is permissible under the construction of that term in the State of Illinois.

In no event, however, need your charities be selected from, or confined to, the State of Illinois, or restricted to any territorial limits whatever.

II.

Upon your death all of the shares of stock, as well as any dividend declared but not yet paid thereon by Sears, Roebuck & Co., are to be turned over and transferred to said The Julius Rosenwald Fund and become the absolute property of that corporation for the purposes thereof.

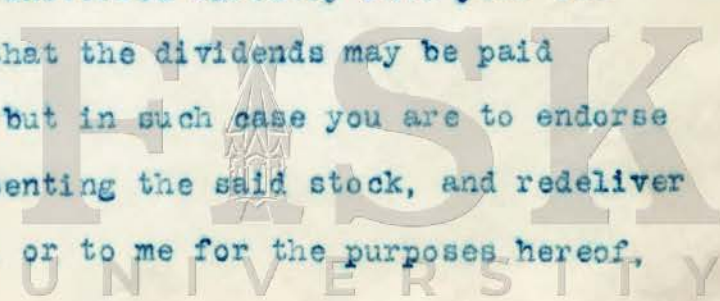
III.

At no time are you to be required to render any statement or any account of your use of the income derived from the shares of stock, nor shall you at any time be called upon to present any voucher or vouchers. The mode or manner of your use of the income so received by you is to be free from all restrictions, save only, that the same shall be used by you solely for charitable purposes as hereinbefore directed.

IV.

As a matter of convenience, the shares of stock may immediately or at any time hereafter be transferred directly into your own name and thus placed of record, so that the dividends may be paid directly to you by the corporation, but in such case you are to endorse in blank all the certificates representing the said stock, and redeliver the same either to Julius Rosenwald, or to me for the purposes hereof.

Julius Rosenwald



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or to such person or persons or such trust company as Julius may designate or appoint. Any such person or persons or trust company, to whom the certificates for said shares may be delivered as aforesaid, is or are to hold the same upon the trust herein expressed, and such trustee or trustees (as the case may be) are at all times to have full power to hold said shares of stock, as well as any further shares at any time under their control, either in his or their names as trustees, or otherwise, or in your name, or in the name or names of any person or persons or corporation they may, from time to time, select, all as the trustee or trustees (as the case may be) may from time to time, in their own judgment find most convenient.

V.

For the purpose of carrying out the trust created by Julius, as herein expressed, he reserves the power either to constitute himself as trustee hereunder, or to designate and constitute any person or trust company, or persons, as such trustee or trustees (as the case may be). Any such trustee or trustees so appointed and constituted shall have full charge and control of the said shares of stock, and may proceed in the execution and performance of his or their duties and trusts without the direction, interference of, or authority from any court.

Such trustee or trustees (as the case may be) shall in his or their uncontrolled discretion at all times possess, and be entitled to exercise, the right to vote upon said shares of stock in person or by their proxy or proxies, for every purpose, to assert or waive any stockholder's right or privilege in respect of said shares, including

Wm. J. Coe

any right or privilege to subscribe for or otherwise acquire any increased stock, or to sell or dispose of such right or privilege, to assent to any merger or consolidation, and to consent to any corporate act, all in the same manner and to the same unrestricted extent as the absolute owner of such shares.

In case the shares of stock shall at any time stand of record in your name you are to furnish the trustee or trustees proxies from time to time, as the same may be required, to enable such trustee or trustees fully to exercise their powers hereunder, and deliver to them such other instrument or instruments for that purpose as may be deemed necessary or desirable.

VI.

In case any stock dividend should at any time be declared upon or in respect of any of said shares of stock, such stock dividend shall be regarded not as income under the provisions of the trust created as aforesaid, but the shares of stock thus received shall be regarded as part of the corpus of the trust estate and shall be held, managed and controlled and ultimately disposed of, and meanwhile the dividends thereon applied, in all respects in the same manner as is directed with reference to the original shares placed in trust as aforesaid.

VII.

The trustees (if more than one) appointed or acting at any time under the said trust shall not be accountable or liable for the act, omission, default, dereliction or neglect of one another, nor shall any trustee or trustees acting at any time hereunder be account-

Mary Roberts

able or liable for any bank, banker, broker, agent or attorney appointed or selected by such trustee or trustees, or by any of them, nor for any person or corporation with whom or into whose custody any trust moneys or property may be deposited or come.

VIII.

Provision may be made by Julius for the resignation or removal of any trustee, and also the appointment of a successor or successors, or new trustees, at any time or times.

The word "trustee" or "trustees" wherever used in this instrument shall mean and be construed as comprising and referring to the trustee or trustees (as the case may be) for the time being, whether original, successor, substituted or otherwise.

IX.

It was Julius' intention to execute a more formal document expressing the trust that he has created, but he had so little time at his disposal before leaving for Europe that he could not give the matter the required attention. It is to be understood, however, that the trust may hereafter be expressed in a more formal instrument containing additional provisions and that this may be hereafter executed by Julius.

It is also to be understood that through the joint action of Julius and yourself (but not otherwise) the terms of the trust may be altered, modified or enlarged; provided only, that no change shall be made which shall divert the trust from the charitable objects for which the same is designed as herein expressed.



Alvin Q. Covatta

Julius wished me to say to you that in creating this trust and putting (unless the present rate of dividends should decrease or fail) an annual sum of Five thousand dollars (\$5,000.00) at your disposal for charitable purposes he was moved not alone by his high regard for you as a man and his esteem for you as a friend, but especially by his recognition of the superior work you have done in your constant efforts to better the state of humanity and to improve civic and social conditions. Though I am but a draftsman in this matter and the intermediary between two good friends, may I add that it has given me great pleasure to indite this letter, that I personally take a keen satisfaction in the fine thought that prompted the donor to put some of his means at your disposal and that I appreciate how well the generous gift is merited by you.

I have no doubt that I on behalf of Julius shall have your full assent to all this in due course.

I am,

Faithfully yours,

Alvin G. Brenthal

Dear Lady:

With deep gratitude to Julius for this fine trust and the spirit of affection and esteem which it evidences, I gladly accept it in accordance with the terms stated;

Sincerely yours,



William Mack

Alvin G. Brenthal

LAW OFFICES OF
ROSENTHAL, HAMILL & WORMSER
105 WEST MONROE STREET
CHICAGO

CHARLES H. HAMILL
LESSING ROSENTHAL
LEO F. WORMSER

July 12, 1920.

In re Julian W. Mack Charity Fund.

Dear Julius:

Herewith I am sending you two copies, both signed by Julian W. Mack and dated July 6, 1920, of the letter addressed to Sears, Roebuck & Co. and its Treasurer and Transfer Agent, requesting the issuance and delivery to The Julius Rosenwald Fund of the 250 shares of common stock which are issuable on July 15th as a stock dividend upon the 625 shares standing in the name of Judge Mack. He has not filled in the address as he does not know how this stands on the books.

Each of the instruments sent you is to be signed by you as the document creating the Trust requires your assent. A line is left for that purpose.

If the corporation or the transfer agent should not require both copies you might place one of them with your papers. In any event, please advise me, over your own signature, that you have signed the assent on each instrument, so that all interests may be protected.

I shall also, in the course of the next few days, in accordance with our understanding, draw up an agreement to be executed by The Julius Rosenwald Fund, by which the Fund will agree that if in any year the dividends from the 625 shares originally given to Julian should be less than \$5,000, then to the extent that the dividends derived from the 250 shares may reach, the Fund will pay over to Julian, to be employed for the purposes specified in the instrument of August 31, 1912, out of the dividends from time to time received by it,

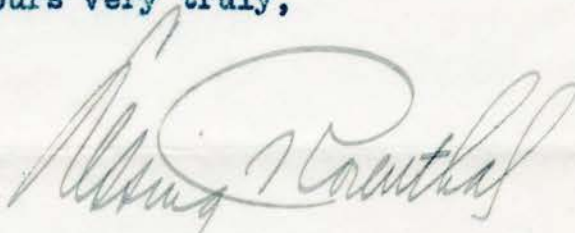
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sufficient to make the annual sum of \$5,000, with the reservation, of course, that in no event shall the Fund be required to pay anything for such purposes excepting out of the dividends received by it on the 250 shares.

Yours very truly,

LR-FDO
Encl.

A handwritten signature in cursive script, appearing to read "William H. Rouse", written in dark ink.

Mr. Julius Rosenwald,
Care of Sears, Roebuck & Co.,
Arthington and Homan Avenues,
Chicago.

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LAW OFFICES OF
ROSENTHAL, HAMILL & WORMSER
 105 WEST MONROE STREET
 CHICAGO

CHARLES H. HAMILL
 LESSING ROSENTHAL
 LEO F. WORMSER

July 12, 1920.

Dear Julius:

As I told you over the telephone, in Julian's letter to me, of July 5th, he writes:

"What would you think of your suggesting to J. R. a modification in accordance with paragraph IX by which the dividend stock remains part of my Trust, with the understanding that the cash dividends on this -- \$2,000 a year -- go from me to the Julian W. Mack Scholarship Fund. This would increase the latter's revenue by \$1,000 yearly and would free another \$1,000, that I am now giving the Students' Fund, for other purposes.

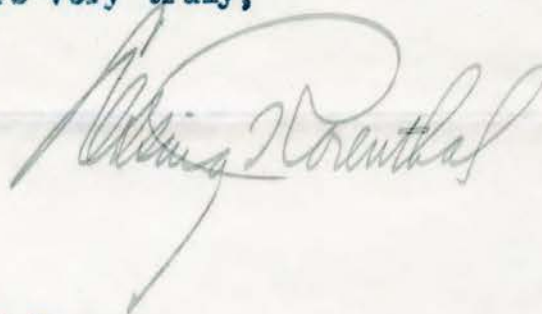
Over and above the \$5,000 Fund, my personal charities amount to \$2,000 to \$2,500 a year, exclusive of Jessie's.

Or if he prefers, how about getting \$2,000 a year from The Julius Rosenwald Fund for the Julian W. Mack Students' Fund."

I take it from what you said to me over the telephone that the suggested arrangement would not be agreeable to you.

Yours very truly,

LR-FDO



Mr. Julius Rosenwald,
 Care of Sears, Roebuck & Co.,
 Arthington and Homan Avenues,
 Chicago.

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*Rec'd 12/16/20.
Phoned Lissing Rosenthal's
office for copy. Mr. R. promised
it. 12/12/20
Phoned again. Secretary
promised to call to Mr.
R's attention again.*

SEARS, ROEBUCK AND CO.

**PHILADELPHIA
EXECUTIVE OFFICES**

December 14, 1920.

My dear Mr. Graves:-

On August fifteenth, when Sears, Roebuck & Co. paid a stock dividend, the Julius Rosenwald Fund holdings were increased by a certain number of shares. These shares were the stock dividends on the Julian W. Mack Fund. This Fund, which is also a trust, stipulates that no stock dividends are to be paid to the Fund; consequently, Mr. Julius Rosenwald, who is Trustee, transferred these shares to the Julius Rosenwald Fund.

It would be appreciated if you would procure a copy of the trust agreement under which the Julian W. Mack Fund was founded and send me an extract giving the stipulation mentioned above. I wish to have the exact wording in order that I may include same in my annual report of the Julius Rosenwald Fund, by way of explaining the extra shares derived.

Thanking you in advance for giving this matter your prompt attention, I am

Very truly yours,

Lissing Rosenthal

Mr. W. C. Graves,
c/o Sears, Roebuck and Co.,
Chicago, Ill.

LJR-S

FISK
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Law Offices of
ROSENTHAL, HAMILL & WORMSER
105 West Monroe Street
Chicago

DUPLICATE

December 21, 1920.

The Julius Rosenwald Fund,
Mr. Lessing Rosenwald,
Philadelphia, Pennsylvania.

Dear Sir:

Answering your inquiry regarding the Julian W. Mack Charity Fund, I beg to advise you that this Fund was created pursuant to a letter which I wrote to Julian W. Mack on August 31, 1918, pertinent paragraphs of which are as follows:

"Julius Rosenwald has delivered to me certificates (duly endorsed by him in blank) representing six hundred and twenty-five (625) shares, of the par value of One hundred dollars (\$100.00) each, of the common capital stock of Sears, Roebuck & Co. (a corporation organized under the laws of the State of New York). He did so in order to create the following Trust and for the uses and purposes hereinafter declared, limited and defined:

I.

All dividends derived from the six hundred and twenty-five (625) shares are during your lifetime to be paid over to you, as received from time to time, to be employed by you, in your own absolute discretion, for such charitable purpose or purposes as you may in your own uncontrolled judgment, from time to time, determine; provided only, that if and whenever the income derived from the shares of stock so transferred should in any calendar year exceed the sum of Five thousand dollars (\$5,000.00), the excess of the income over and above such sum of Five thousand dollars (\$5,000.00) is to be turned over at the end of such year to The Julius Rosenwald Fund (a corporation organized under the laws of the State of Illinois for charitable purposes) and such excess shall be devoted by said corporation to charitable purposes.

* * * * *

II.

Upon your death all of the shares of stock, as well as any dividend declared but not yet paid thereon by Sears, Roebuck & Co., are to be turned over and transferred to said The Julius Rosenwald Fund and become the absolute property of that corporation for the purposes thereof."

HSK
UNIVERSITY

"VI.

In case any stock dividend should at any time be declared upon or in respect of any of said shares of stock, such stock dividend shall be regarded not as income under the provisions of the trust created as aforesaid, but the shares of stock thus received shall be regarded as part of the corpus of the trust estate and shall be held, managed and controlled and ultimately disposed of, and meanwhile the dividends thereon applied, in all respects in the same manner as is directed with reference to the original shares placed in trust as aforesaid."

On July 3rd last I wrote a letter to Judge Mack in which the following appeared:

"By the way, you will remember that under the terms of the Charity Fund created by the letter of August 31, 1918 (paragraph VI) it is provided that in case any stock dividend should be declared this should not be regarded as income under the provisions of the Trust, but the shares of stock thus received shall be regarded as part of the corpus of the Trust Estate and shall be held, managed and controlled, ultimately disposed of and meanwhile the dividends thereon applied in all respects in the same manner as is directed with reference to the original shares placed in trust.

Paragraph I of the instrument provides that whenever the income derived from the shares so transferred should exceed the sum of \$5,000 the excess of the income is to be turned over at the end of the year to The Julius Rosenwald Fund.

Paragraph IX of the instrument provides that through the joint action of Julius and yourself the terms of the Trust may be altered, modified or enlarged.

Under the Trust 625 shares are standing in your name. The 40% stock dividend payable July 15 will bring 250 more shares, which would have to be issued to you since the stock stands of record in your name. It is contemplated that the present rate of 8% of dividends will be maintained, so that you will continue to receive \$5,000 per annum on the old shares. In view of this, would it be agreeable to you to have the new 250 shares transferred directly to The Julius Rosenwald Fund and thus save the trouble each year of turning back the excess to the Fund. In the way proposed the dividends would of course be paid directly and quarterly to the Fund. That would be the ultimate destination of the shares anyway, under paragraph II of the agreement.

The only risk you would run in doing this is that sometime or other the dividend rate on the common stock

would be less than 8%. Those in charge of the affairs of the corporation do not think this likely, and I feel certain that in the event of any such contingency Julius would see to it that all shares taken away from the Fund, pursuant to any action that you might take, would be restored to you, so that you would get the full benefit of the \$5,000 per annum.

I am enclosing a direction to the corporation to transfer the shares directly to The Julius Rosenwald Fund, if this should meet with your approval."

In response to this letter I received one from Judge Mack, dated at Hot Springs, Virginia, July 5, 1920, enclosing the document sent to him with my letter of July 3, 1920. This document, of July 6, 1920, reads as follows:

"July 6, 1920.

Sears, Roebuck & Co.,
its Treasurer and Transfer Agent,
Chicago:

You and each of you are hereby requested to issue and deliver to The Julius Rosenwald Fund (a corporation organized under the laws of the State of Illinois for charitable purposes) the two hundred and fifty (250) shares of the common capital stock of Sears, Roebuck & Co. which but for this instrument would be issued to me on July 15, 1920 upon and in respect of six hundred and twenty-five (625) shares of the common capital stock of Sears, Roebuck & Co. standing in my name; such delivery of said two hundred and fifty (250) shares so issuable pursuant to the declaration recently of the forty per cent (40%) stock dividend shall be deemed in full satisfaction and discharge of any claim that I might have for or upon the said stock dividend so declared and payable upon or in respect of said six hundred and twenty-five (625) shares.

Julian W. Mack

Address: _____

The foregoing instrument and direction is delivered and executed with my express assent hereby given.

Julius Rosenwald."

The preceding instrument was sent to Mr. Julius Rosenwald with a letter dated July 12, 1920, addressed to Mr. Julius Rosenwald and reading as follows:

"Herewith I am sending you two copies, both signed by Julian W. Mack and dated July 6, 1920, of the letter addressed to Sears, Roebuck & Co. and its Treasurer and Transfer Agent, requesting the issuance and delivery to The Julius Rosenwald Fund of the 250 shares of common stock which are issuable on July 15th as a stock dividend upon the 625 shares standing in the name of Judge Mack. He has not filled in the address as he does not know how this stands on the books.

Each of the instruments sent you is to be signed by you as the document creating the Trust requires your assent. A line is left for that purpose.

If the corporation or the transfer agent should not require both copies you might place one of them with your papers. In any event, please advise me, over your own signature, that you have signed the assent on each instrument, so that all interests may be protected.

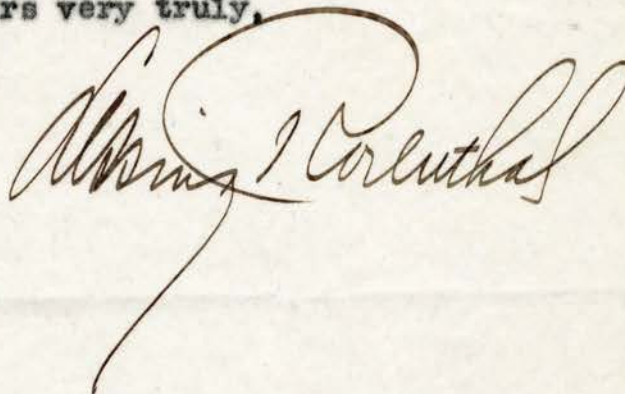
I shall also, in the course of the next few days, in accordance with our understanding, draw up an agreement to be executed by The Julius Rosenwald Fund, by which the Fund will agree that if in any year the dividends from the 625 shares originally given to Julian should be less than \$5,000, then to the extent that the dividends derived from the 250 shares may reach, the Fund will pay over to Julian, to be employed for the purposes specified in the instrument of August 31, 1912, out of the dividends from time to time received by it, sufficient to make the annual sum of \$5,000, with the reservation, of course, that in no event shall the Fund be required to pay anything for such purposes excepting out of the dividends received by it on the 250 shares."

This expresses the entire arrangement so far as it concerns The Julius Rosenwald Fund. As you will note from the foregoing the Fund is obligated, in case the dividend from the 625 shares originally given to Julian W. Mack should in any year be less than \$5,000, then to the extent that the dividends derived from the 250 shares may reach, to pay over to Julian W. Mack, to be employed for the purposes specified in the instrument of August 31, 1912, out of the dividends from time to time received by him, sufficient to make the annual sum of \$5,000, provided that in no event shall The Julius Rosenwald Fund be required to pay anything for such purposes excepting out of the dividends received by it on the 250 shares so transferred to it pursuant

to the direction of Julian W. Mack and expressly assented to by
Julius Rosenwald.

Yours very truly,

LR-FDO

A handwritten signature in dark ink, reading "William I. Corluthal". The signature is written in a cursive style with a large, prominent loop at the beginning of the name.

LAW OFFICES OF
ROSENTHAL, HAMILL & WORMSER
105 WEST MONROE STREET
CHICAGO

LESSING ROSENTHAL
CHARLES H. HAMILL
LEO F. WORMSER
F. HOWARD ELDRIDGE
WILLARD L. KING

CABLE ADDRESS "HAMROSE"

July 26, 1932.

Judge Mack Trust
Mr. Ruser
Please note &
advise Thanks.

JR

Julius Rosenwald Fund and the Trustees Thereof,
c/o Sears, Roebuck and Co.,
Homan Avenue and Arthington Street,
Chicago.

Attention Mr. N. W. Levine, Comptroller

Dear Sirs:

On August 31, 1918, an agreement was entered into between Julius Rosenwald and Julian W. Mack creating the "Julian W. Mack Charity Fund," under which all dividends derived from certain shares of Sears, Roebuck and Co. common stock were during the lifetime of Julian W. Mack to be paid over to him, as received from time to time, to be employed by him, in his own absolute discretion, for such charitable purpose or purposes as he might in his own uncontrolled judgment, from time to time, determine.

Subsequently, by instrument dated December 16, 1930, the agreement was modified, with the express consent of Julian W. Mack, and it was expressly provided that if at any time thereafter the cash dividends on the stock of Sears, Roebuck and Co. held for such trust should not be paid in any calendar year, or should be less than \$5,000 in any such year, the deficiency for each such year should be paid to Julian W. Mack, for the purposes of such Charity Fund, out of current stock dividends on such trust stock and/or out of the cash and stock dividends (and the cash and stock dividends on such stock dividends), that theretofore had been or might thereafter be paid to the Julius Rosenwald Fund as dividends on the original 625 shares, or on later substituted shares of such stock, in excess of the \$5,000 to be annually paid to Julian W. Mack as originally provided by the instrument of August 31, 1918.

A copy of the instrument of modification of December 16, 1930, was transmitted to you with my letter of November 28, 1931.

My understanding is that there is a large fund on hand out of which the payments to Judge Mack can from time to time be made. Another payment is due on August 1 next.

May I draw this matter to your attention and ask you to be kind enough to advise Judge Julian W. Mack at his address, care of United States District Court, Woolworth Building, New York, that the proper amount will be sent to him on August 1.

LR.FLS

Very truly yours,

Julius Rosenwald
UNIVERSITY

Julius Rosenwald Fund,
4901 Ellis Avenue,
Chicago, Illinois

On or about August 31, 1918, the late Julius Rosenwald caused to be transferred to the undersigned six hundred twenty-five (625) shares of the capital stock of Sears, Roebuck and Company, a New York corporation, to create a trust, the income from which was to be used by me for charitable purposes to the extent of \$5,000.00 per year, any excess income to be paid to you. Through successive stock dividends the number of shares involved has materially increased, and by direct arrangement with you, under which certain of such shares were transferred to you and certain of such shares retained by me, there are now issued and outstanding in my name two thousand (2000) shares of the capital stock of Sears, Roebuck and Company upon which you have guaranteed me an income of \$5,000.00 per year upon certain conditions.

In order to clarify and simplify the present situation and to supersede all other arrangements between us, I propose the following:

1. Said two thousand (2000) shares of the capital stock of Sears, Roebuck and Company which I have long since assigned in blank and which have for many years been held by said Julius Rosenwald for your benefit shall forthwith be issued in your name.
2. You agree to set aside said shares separate and distinct from all other securities owned by you and subject to the charge hereinafter imposed.
3. You agree to pay me, either out of the income received by you on said shares or out of your general funds, the sum of \$5,000.00 per year in quarterly installments of \$1250.00 each on the first days of February, May, August and November of each year during the rest of y life.
4. In accordance with the terms of the trust heretofore created, said sum of \$5,000.00 per year is to be used by me in my absolute discretion for such charitable purpose or purposes as I may, in my uncontrolled judgment, from time to time determine. The term "charitable purposes" shall be interpreted as broadly as is permissible under the construction of that term in the State of Illinois, but my

charities need not be restricted to the State of Illinois or to any territorial limitation. I am not to be required to render any account of my use of such income or be called upon at any time to present any voucher or vouchers.

- 5. Upon my death said shares shall become part of your general assets, free of any charge of claim of any other person.
- 6. The trust hereby created shall be binding upon your successors and assigns and upon my heirs, executors, administrators and assigns.

Would you please signify your consent hereto by executing the acceptance hereon in duplicate?

In Witness Whereof, I have hereunto set my hand and seal, this 5th day of April, 1933.

James M. ... (SEAL)

Accepted:

JULIUS ROSENWALD FUND

BY... *James M. ...*
President

ATTEST:

..... *Margaret W. Sargent*
Secretary



Julius Rosenwald Fund

4901 Ellis Avenue

CHICAGO

To

Judge Julian W. Mack

Woolworth Building

New York City

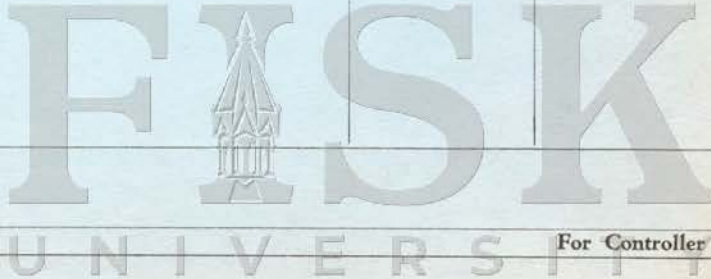
Payment Voucher No. 66

Date August 1, 1934

Payment as per Trust Agreement in lieu of August 1st Dividend - - - \$1,250.00

Chk. #11317

Accounts	Appropriation No.	Debit	Credit
Reserve for Payments to Judge Mack		\$1,250.00	

Prepared by	Checked by	Posted by	
MVG			

AUG 2 1934

Julius Rosenwald Fund

4901 Ellis Avenue

CHICAGO

To

Judge Julian W. Mack

Woolworth Building

New York City

Payment Voucher No. 462

Date October 31, 1934

Payment as per Trust Agreement in lieu of November 1st dividend - - - - \$1,250.00



Chk. #11837

Accounts	Appropriation No.	Debit	Credit
Reserve for Payments to Judge Mack		\$1,250.00	

OCT 30 1934



Prepared by	Checked by	Posted by
DAE		

For Controller

JULIAN W. MACK
U. S. CIRCUIT JUDGE
NEW YORK CITY

	ERE	11/5	ERE	11/5

November 1, 1934

7

Dear Mr. Embree:

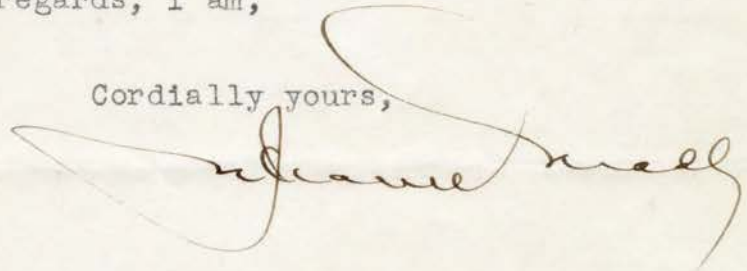
I had wanted to have a talk with Lessing for some time in regard to a Rosenwald Family Associates matter. When, therefore, he took luncheon with me today I brought two other matters that are appeals to the Julius Rosenwald Fund to his attention, as to each of which I had, of course, intended to write to you.

To keep them separate in my files I enclose herewith two separate letters to you, one as to each of these matters.

I have not as yet had time to read your article in the November Survey, but I expect to do it when I travel out to Cincinnati in a couple of days.

With kind personal regards, I am,

Cordially yours,



Mr. Edwin R. Embree, President
Julius Rosenwald Fund
4901 Ellis Avenue
Chicago
Illinois

NOV 8 1934

FISK
UNIVERSITY

November 1, 1934

Mack (Julius)

Dear Mr. Embree:

When I wrote to you last April in answer to your letter stating that the last payment was about to be made on the Sheffer grant, and that in view of present conditions you could not recommend a renewal, I stated that I would present the matter at the earliest opportunity to President Conant in the hope that Harvard itself would make up the \$2,000. annually in addition to the \$2,000. to which it was pledged.

I did have a long talk with him when I was in Boston in May last on this and on other Harvard matters in which I was interested.

Of course, I owed a duty to Mr. Littauer to take the matter up with him, but inasmuch as the need of further money was not then imminent, I delayed and delayed. Recently, however, I told him the exact situation.

Now as to Harvard. Sheffer is an Associate Professor. That means a life appointment. Harvard's pledge is definitely limited to \$2,000. a year. Littauer, you will remember, in addition to pledging \$2,000. gave a conditional pledge to take the place of the Julius Rosenwald Fund, if contrary to our hopes and expectations, it should fail to renew. I secured this from him at the time, after showing him our correspondence, specifically your telegram to me of October 9, 1929:

"Our action will cover a five year period with understanding it will be renewed from time to time so long as conditions remain the same."

your letter of October 12, 1929:

"I should not be willing to recommend to our trustees that they enter into an indefinite agreement, and I am sure that if I did so they would never follow such a suggestion * * * I think you and he may rest assured that as long as conditions remain substantially as they are at present, we will renew our pledge from period to period. * * * I think you would be correct in reporting both to President Lowell and Mr. Littauer that you have assurance from us that we will continue this support for as long as Sheffer needs it."

President Conant said to me that, of course, Sheffer has a life appointment, and in the circumstances Harvard would have to continue his salary if the pledges should for any reason fail. He further said that he already knew what I told him as to the Littauer Fund, namely, that it had been very hard hit. He hoped, however, that I could persuade the Rosenwald Fund to renew its grant and thus save both Harvard and myself the necessity of applying to Mr. Littauer to perform his guaranty. He said that if he were persuaded that it was a decided hardship for the Littauer Fund to do this, he would not want to do it, that in that event Harvard would be compelled to make the payment itself, but in order to do this in view of its own financial condition, it would have to cut out some other really essential things as there was

no surplus on which to draw.

Clearly there is no obligation, legal or moral, on the Rosenwald Fund. I can only urge, however, that, in view of the belief which you and I shared at the time and of which I advised President Lowell and Mr. Littauer, a renewal would probably come, that you give very careful consideration to my request that an appropriation for this purpose be continued for another five years. I emphasize this all the more because as you pointed out at the time the principal of the Fund must be used up within twenty five years after Mr. Rosenwald's death.

It is not merely because of the obligation that I originally assumed to urge a renewal when the time came, but because I firmly believe that Professor Sheffer has made good in every way, that I am so earnest in urgent this matter.

I wrote to Felix Frankfurter in August after my talk with Mr. Littauer. In answer he said:

"Among the few Harvard professors about whom inquiry was made of me both at Oxford and Cambridge was Harry Sheffer. The leading philosopher of Cambridge told me that he knows of no other living thinker in philosophy who has made such original contributions with such few papers as Sheffer has furnished - and intellectual contributions are valued, not weighed or measured. Professor Whitehead says he is the most stimulating teacher of the Philosophy Department for post graduate students."

Cordially yours,

Julian W. Mack

Mr. Edwin R. Embree, President
Julius Rosenwald Fund
4901 Ellis Avenue
Chicago
Illinois

FISK
UNIVERSITY

COPY

JULIUS ROSENWALD FUND
4901 Ellis Avenue
Chicago

November 12, 1934

My dear Judge Mack:

The appeal in behalf of Survey Associates and Professor Sheffer were considered by our Board at its annual meeting just held. We gladly made another appropriation to the Survey but continued the descending scale started a year ago. The appropriation for the coming year is set at Three Thousand Dollars (\$3,000.). I trust that this will prove helpful in continuing the work of this important magazine.

With respect to Professor Sheffer, the Board expressed sympathetic understanding of the situation but referred the matter for definite action to the executive committee. This was partly to give us an opportunity of seeing whether the Rosenwald Family Association might care to take over this item. It is not the kind of thing that either of these organizations is likely to be able to carry for an indefinite period. Nevertheless we recognize the difficulties of the present situation and do not want to embarrass either Harvard University or Mr. Littauer. I think an appropriation to tide over the present dilemma is likely to be made by one or another of the organizations, possibly for a period of two or three years. I hope this will meet at least the acute phases of the situation. I expect to be able to give you definite word on the matter in a very few days.

With personal greetings to you.

Yours very truly,

EDWIN R. EMBREE

Judge Julian W. Mack
Woolworth Building
New York City

FISK
UNIVERSITY

COPY

April 21, 1934

Dear Mr. Embree:

Yours of the 18th. I, of course, appreciate that the Sheffer five year pledge ends, but of course, you remember that at the time it was given we all hoped, in accordance with your then practice, that it would be renewed.

At the time I told Mr. Littauer our entire conversation and our hope, and it was because of that that I got him of his Fund to guaranty to take the place of the Rosenwald Fund, if at any time in the future we should be disappointed in the matter.

He mentioned the matter to me about a year ago because his own fund, which of course, was very much smaller than the Rosenwald Fund was at least as badly hit and he himself too. His fund guarantees absolutely \$2,000. a year for Sheffer's life. But they would have great difficulty in adding to this the conditional guaranty to take the place of the Rosenwald Fund.

I am going to be in Boston on the 28th, and I have just written President Conant whom I have never met, asking him to give me an appointment that day in order to talk over some Harvard matters. That letter had been dictated before I had received yours, and I did not know when that I would have to take up the Sheffer matter too. I shall, of course, do so and do everything I can to get the university to take the place of the Rosenwald Fund in addition to the \$2,000. that they are already contributing. But if for any reason I should fail, I greatly hope that I will have an opportunity to present the whole matter again to you and the Rosenwald Fund. Needless to say I feel as strongly as you do that the university should carry this.

Cordially yours,

Agued Pleasance

Mr. Edwin R. Embree
Julius Rosenwald Fund
4901 Ellis Avenue
Chicago
Illinois

FISK
UNIVERSITY

7

November 6, 1934

My dear Judge Mack: I shall see that your statements, both ^{See 11/1/34} about The Survey and about Professor Sheffer, ^{See Harvard Univ (Sheffer - 11/1/34)} come before our trustees at the meeting at the end of this week. I think it very likely that an appropriation will be made to The Survey, although I think our trustees will insist upon continuing the diminishing scale which we started a year ago.

I still do not feel that our Fund, in its present position, is justified in continuing an item so far outside our present program as that of the Harvard professorship of Dr. Sheffer. Maybe the Rosenwald Family Association will be willing to take over this contribution for a time. I shall talk to Lessing about it before the meeting. You may be sure that both these items will receive our very careful consideration.

Very truly yours,

EDWIN R. EMBREE

ERE:rm

Judge Julian W. Mack
Woolworth Building
New York City

NOV 8 1934

FISK
UNIVERSITY

P

November 12, 1934

My dear Judge Mack: The appeals in behalf of Survey Associates and Professor Sheffer were considered by our Board at its annual meeting just held. We gladly made another appropriation to the Survey but continued the descending scale started a year ago. The appropriation for the coming year is set at Three thousand dollars (\$3,000). I trust that this will prove helpful in continuing the work of this important magazine.

With respect to Professor Sheffer, the Board expressed sympathetic understanding of the situation but referred the matter for definite action to the executive committee. This was partly to give us an opportunity of seeing whether the Rosenwald Family Association might care to take over this item. It is not the kind of thing that either of these organizations is likely to be able to carry for an indefinite period. Nevertheless we recognize the difficulties of the present situation and do not want to embarrass either Harvard University or Mr. Littauer. I think an appropriation to tide over the present dilemma is likely to be made by one or another of the organizations, possibly for a period of two or three years. I hope this will meet at least the acute phases of the situation. I expect to be able to give you definite word on the matter in a very few days.

With personal greetings to you.

Yours very truly,
EDWIN R. EMBREE

ERE:MWC

Judge Julian W. Mack
Woolworth Building
New York City

NOV 14 1934



Julius Rosenwald Fund

4901 Ellis Avenue
CHICAGO

7 up 52
5/1/35

To

Judge Julian W. Mack

Woolworth Building

New York City

Payment Voucher No. 996

Date February 1, 1935

Payment as per Trust Agreement in lieu of February 1st dividend - - - \$1,250.00

Ck. #12491

Accounts	Appropriation No.	Debit	Credit
Reserve for Payments to Judge Mack		\$1,250.00	

FEB 5 1935

Prepared by MVG	Checked by	Posted by
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For Controller

CROSS REFERENCE RECORD

FIRM NAME OR SUBJECT MACK JULIAN W (JUDGE) **FILE NO.** _____

DATE 2/18/35

REMARKS

Letter to ERE from Judge Mack enclosing statement
by Elias Tobenkin in the hope that the Fund will
support his project

SEE

TOBENKIN ELIAS

FILE NO. _____

DATE _____

SIGNED _____

FILE CROSS REFERENCE RECORD UNDER NAME OR
SUBJECT LISTED AT TOP OF THIS SHEET, AND IN
PROPER DATE ORDER.
THE PAPERS REFERRED TO SHOULD BE FILED UN-
DER NAME OR SUBJECT LISTED UNDER "SEE"

YAWMAN AND ERBE MFG. CO.
ROCHESTER, N. Y.

FIISK
UNIVERSITY

FORM NO. 099CR

Julius Rosenwald Fund

4901 Ellis Avenue

CHICAGO

To

Judge Julian W. Mack

Woolworth Building

New York City

Payment Voucher No.

1426

Date

May 1, 1935

Payment as per Trust Agreement in lieu of May 1st dividend - - - - \$1,250.00

Chk. #15050

Accounts

Appropriation No.

Debit

Credit

Reserve for Payments to Judge Mack

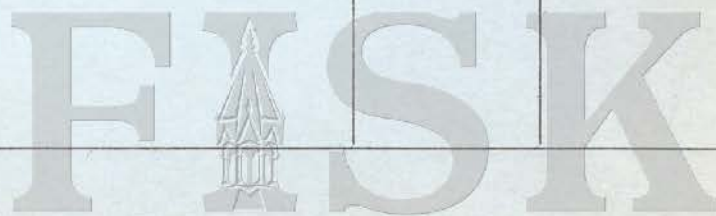
\$1,250.00

MAY 2 1935

Prepared by
MVG

Checked by

Posted by



Comptroller

UNIVERSITY

Julius Rosenwald Fund

4901 Ellis Avenue

CHICAGO

To

Judge Julian W. Mack

Woolworth Building

New York City

Payment Voucher No. 1922

Date August 1, 1935

Payment as per Trust Agreement in lieu of August 1st dividend - - - - \$1,250.00

Ch. #13662

Accounts	Appropriation No.	Debit	Credit
Reserve for Payments to Judge Mack		\$1,250.00	

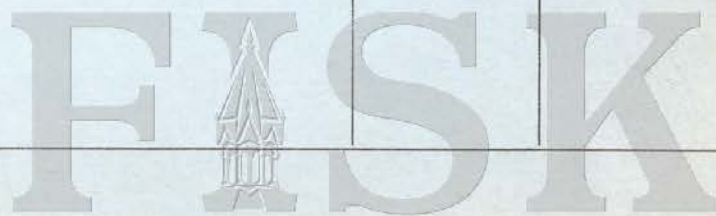
AUG 5 1935

Prepared by

Checked by

Posted by

MVG



Comptroller

UNIVERSITY

Julius Rosenwald Fund

4901 Ellis Avenue

CHICAGO

To

Judge Julian W. Mack

Woolworth Building

New York City

Payment Voucher No. 2355


Date November 1, 1935

Payment as per Trust Agreement in lieu of November 1st dividend - - - \$1,250.00

Ck. #14225

NOV 5 1935

Accounts	Appropriation No.	Debit	Credit
Reserve for Payments to Judge Mack		\$1,250.00	

Prepared by LS	Checked by	Posted by	



Julius Rosenwald Fund

4901 Ellis Avenue

CHICAGO

To

Judge Julian W. Mack

Woolworth Building

New York City

Payment Voucher No. 2880

Date February 4, 1936

Payment as per Trust Agreement in lieu of February 1st dividend - - -\$1,250.00

Ck. #14909



Accounts	Appropriation No.	Debit	Credit
Reserve for Payments to Judge Mack		\$1,250.00	
Prepared by MVG	Checked by	Posted by	Comptroller

FEB 6 1936



Julius Rosenwald Fund

4901 Ellis Avenue

CHICAGO

To

Judge Julian W. Mack

Woolworth Building

New York City

Payment Voucher No.

3346

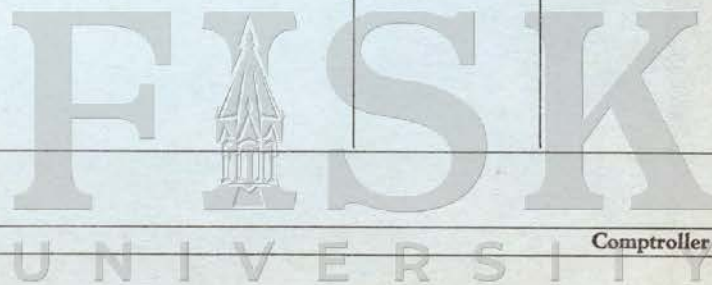
Date

May 1, 1936

Payment as per Trust Agreement in lieu of May 1st dividend - - - - \$1,250.00

Ck. #15635

Accounts	Appropriation No.	Debit	Credit
Reserve for Payments to Judge Mack		\$1,250.00	
<p>MAY 4 1936</p>			
Prepared by	Checked by	Posted by	
MVG			



Comptroller

Julius Rosenwald Fund

4901 Ellis Avenue

CHICAGO

To

Judge Julian W. Mack

Woolworth Building

New York City

Payment Voucher No. 3308

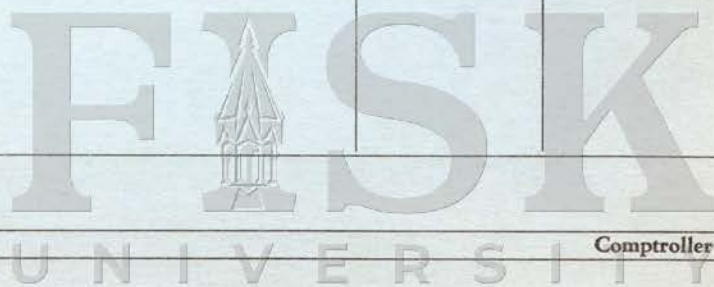
Date August 1, 1936

Payment as per Trust Agreement in lieu of dividend - - - - - \$1,250.00

Ck. #16188

Accounts	Appropriation No.	Debit	Credit
Reserve for Payments to Judge Mack		\$1,250.00	

AUG 4 1936



Prepared by
AM

Checked by

Posted by

Comptroller

Julius Rosenwald Fund

4901 Ellis Avenue

CHICAGO

To

Judge Julian W. Mack

Woolworth Building

New York City

Payment Voucher No. 4224

Date November 4, 1936

Payment as per Trust Agreement in lieu of dividend - - - - - \$1,250.00

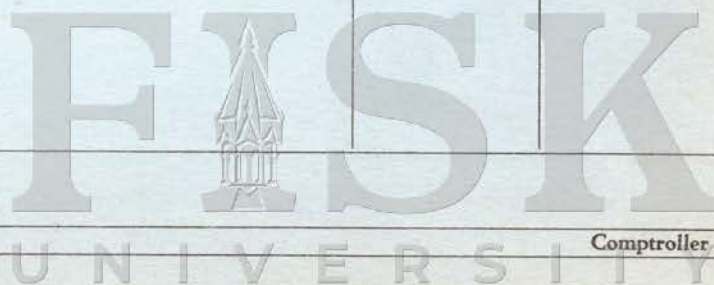


Ck.#/16659

NOV 6 1936

Accounts	Appropriation No.	Debit	Credit
Reserve for Payments to Judge Mack		\$1,250.00	

Prepared by	Checked by	Posted by
AM		



Comptroller

Julius Rosenwald Fund

4901 Ellis Avenue

CHICAGO

To Judge Julian W. Mack
 Woolworth Building
 New York City

Payment Voucher No. 4739

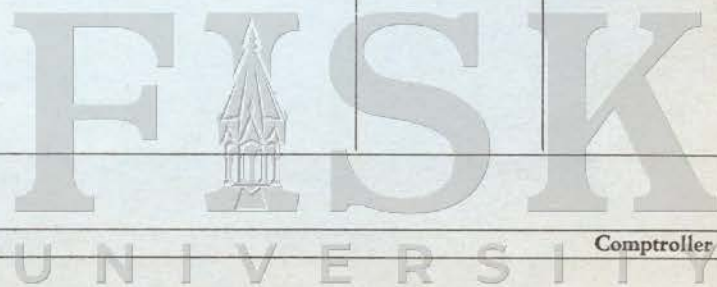
Date February 1, 1937

Payment as per Trust Agreement in lieu of dividend - - - - \$1,250.00

Ck.#17271 FEB 3 1937

Accounts	Appropriation No.	Debit	Credit
Reserve for Payments to Judge Mack		\$1,250.00	

Prepared by	Checked by	Posted by
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Comptroller

Julius Rosenwald Fund

4901 Ellis Avenue

CHICAGO

To

Judge Julian W. Mack

Woolworth Building

New York City

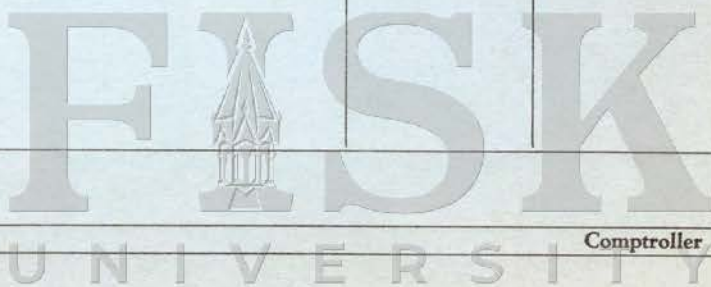
Payment Voucher No. 5124

Date May 3, 1937

Payment as per Trust Agreement in lieu of dividend - - - - - \$1,250.00

Ck.#17785

Accounts	Appropriation No.	Debit	Credit
Reserve for Payments to Judge Mack		\$1,250.00	

Prepared by AM	Checked by	Posted by	

CROSS REFERENCE RECORD

FIRM NAME OR SUBJECT		FILE NO.
DATE 5/24/37	REMARKS J. W. Mack to E. ^A .E. re: letter which Mr. Lucius N. Littauer received from Harvard University concerning J.R.F.'s final payment toward the salary of Professor Sheffer and requesting Mr. Littauer's fulfillment of his pledge to take place of J. R. F. Asks that J.R.F. renew its appropriation and relieve Littauer of the obligation.	

SEE HARVARD UNIVERSITY (SHEFFER GRANT) FILE NO.

DATE SIGNED

FILE CROSS REFERENCE RECORD UNDER NAME OR SUBJECT LISTED AT TOP OF THIS SHEET, AND IN PROPER DATE ORDER. THE PAPERS REFERRED TO SHOULD BE FILED UNDER NAME OR SUBJECT LISTED UNDER "SEE"

YAWMAN AND ERBE MFG. CO.
ROCHESTER, N. Y.



Julius Rosenwald Fund

4901 Ellis Avenue

CHICAGO

To Judge Julian W. Mack
 Woolworth Building
 New York City

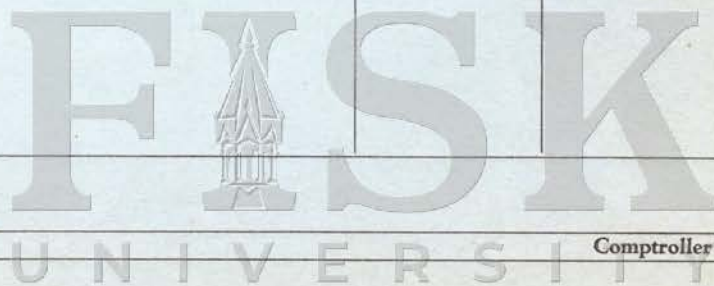
Payment Voucher No. 5426

Date August 2, 1937

Payment as per Trust Agreement in lieu of dividend - - - - - \$1,250.00

Ck.#18117

Accounts	Appropriation No.	Debit	Credit
Reserve for Payments to Judge Mack		\$1,250.00	
Prepared by AM	Checked by	Posted by	Comptroller



J

September 14, 1937

My dear Judge Mack: Last summer you sent a request for a renewal of the Fund's grant to Dr. Sheffer, addressing it to me in care of Mr. William Rosenwald. He and I talked the matter over and I left the letter itself with him. I wonder if you would be good enough to outline the whole matter again in a letter addressed to me as president of the Fund. I am not sure that our committee will be willing to go any further in the matter. At any rate, I should like to present it to them. To this end, I should like the facts clearly and sympathetically before us in just the way that you can so ably present them.

Very truly yours,
EDWIN R. EMBREE

ERE:JW

Judge Julian Mack
Woolworth Building
New York City

FISK
UNIVERSITY

CROSS REFERENCE RECORD

FIRM NAME OR SUBJECT	MACK JULIAN W	FILE NO.
DATE 9/20/37	REMARKS	Corres. re: Prof. Sheffer having to give up work on book; granted leave of absence for 6 months, with pay.

SEE HARVARD UNIVERSITY (SHEFFER GRANT) FILE NO. _____

DATE _____ SIGNED _____

FILE CROSS REFERENCE RECORD UNDER NAME OR SUBJECT LISTED AT TOP OF THIS SHEET, AND IN PROPER DATE ORDER.
THE PAPERS REFERRED TO SHOULD BE FILED UNDER NAME OR SUBJECT LISTED UNDER "SEE"

YAWMAN AND ERBE MFG. CO.
ROCHESTER, N. Y.



FORM NO. 099CR

Mack, Julian

D

October 21, 1937

Dear Judge Mack: I am hoping to be in New York Monday and Tuesday of next week and if you are available I should like very much to have a talk with you about matters of common interest. If you will have some free time, would you be good enough to send word to the Chatham Hotel telling me where I could reach you by telephone with a view to making an appointment on one of those days.

Very truly yours,

EDWIN R. EMBREE

ERE:JW

Judge Julian Mack
United States Court House
New York City

FISK
UNIVERSITY

JULIAN W. MACK
U. S. COURT HOUSE
NEW YORK CITY

October 22, 1937

D

EMB	25	JW	25

Dear Mr. Embree:

I have been confined to the house for a week with a cold, but I am sure that I will be down Monday as I have some important hearings on both in the morning and in the afternoon. If you are free to lunch with me either Monday or Tuesday I should be very glad to have you do so. Just telephone on Monday morning which day is preferable, and if neither is available, then we will make it some other time on one or the other day.

Cordially yours,

Julian W. Mack
E.R.

Mr. Edwin R. Embree
President, Julius Rosenwald Fund
4901 Ellis Avenue
Chicago
Illinois

Julius Rosenwald Fund

4901 Ellis Avenue

CHICAGO

To Judge Julian W. Mack
 Woolworth Building
 New York City

Payment Voucher No. 5748

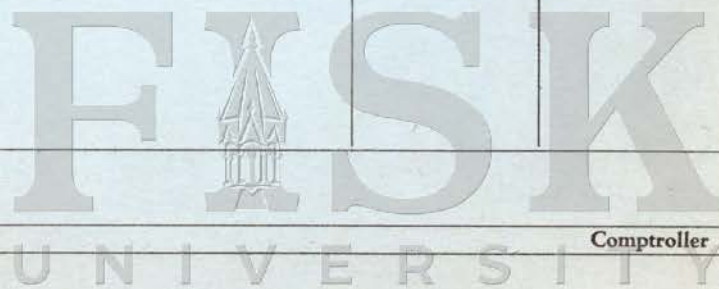
Date November 1, 1937

Payment as per Trust Agreement in lieu of dividend - - - - - \$1,250.00

Ck.#18502

Accounts	Appropriation No.	Debit	Credit
Reserve for Payments to Judge Mack		\$1,250.00	

Prepared by AM	Checked by	Posted by
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Julius Rosenwald Fund

4901 Ellis Avenue
CHICAGO

To

Judge Julian N. Mack

Woolworth Building

New York City

Payment Voucher No. 6249

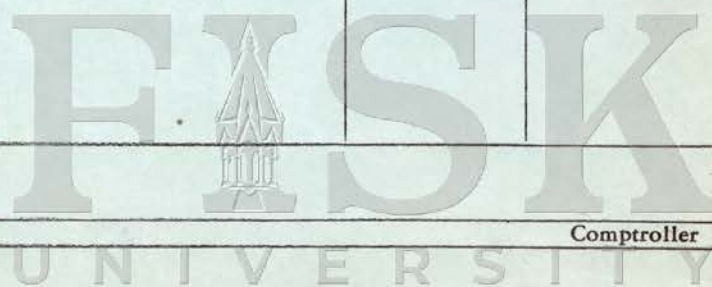
Date J February 1, 1938

Payment as per Trust Agreement in lieu of dividend - - - - - \$1,250.00

Ck.#19078

Accounts	Appropriation No.	Debit	Credit
Reserve for Payments to Judge Mack		\$1,250.00	

Prepared by	Checked by	Posted by	Comptroller
AM			



Julius Rosenwald Fund

4901 Ellis Avenue
CHICAGO

To

Judge Julien W. Mack

Woolworth Building

New York City

Payment Voucher No. 6645

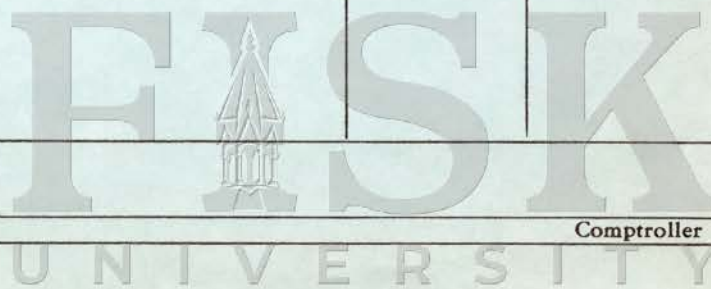
Date May 2, 1938

Payment as per Trust Agreement in lieu of dividend - - - - - \$1,250.00

Ck.#19543

Accounts	Appropriation No.	Debit	Credit
Reserve for Payments to Judge Mack		\$1,250.00	

Prepared by AM	Checked by	Posted by
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Comptroller

Julius Rosenwald Fund

4901 Ellis Avenue
CHICAGO

To

Judge Julian W. Mack

Woolworth Building

New York City

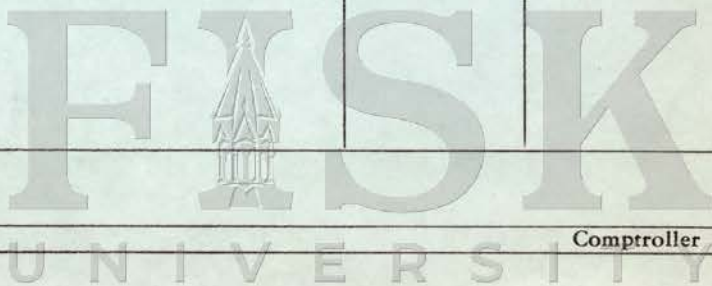
Payment Voucher No. 6371

Date August 1, 1938

Payment as per Trust Agreement in lieu of dividend - - - - - \$1,250.00

Ck./19829

Accounts	Appropriation No.	Debit	Credit
Reserve for Payments to Judge Mack		\$1,250.00	

Prepared by AM	Checked by	Posted by	

Julius Rosenwald Fund

4901 Ellis Avenue
CHICAGO

To

Judge Julian W. Mack

Woolworth Building

New York City

Payment Voucher No. 7322

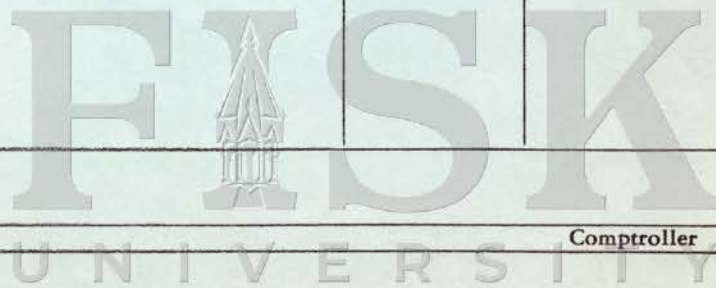
Date November 1, 1938

Payment as per Trust Agreement in lieu of dividend - - - - - \$1,250.00

Ck.#20555

Accounts	Appropriation No.	Debit	Credit
Reserve for Payments to Judge Mack		\$1,250.00	

Prepared by	Checked by	Posted by
AM		



Comptroller

Julius Rosenwald Fund

4901 Ellis Avenue
CHICAGO

To

Judge Julian W. Mack

Woolworth Building

New York City

Payment Voucher No. 7718

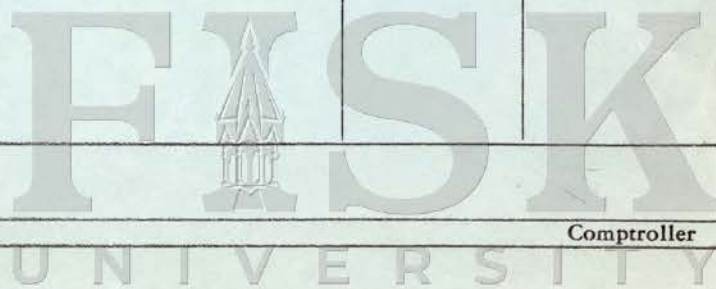
Date February 1, 1959

Payment as per Trust Agreement in lieu of dividend - - - - - \$1,250.00

Ck. #20785

Accounts	Appropriation No.	Debit	Credit
Reserve for Payments to Judge Mack		\$1,250.00	

Prepared by DAE	Checked by	Posted by
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Comptroller

Julius Rosenwald Fund

4901 Ellis Avenue
CHICAGO

To

Judge Julian W. Mack

Woolworth Building

New York City

Payment Voucher No. 8098

Date May 1, 1939

Payment as per Trust Agreement in lieu of dividend - - - - - \$1,250.00

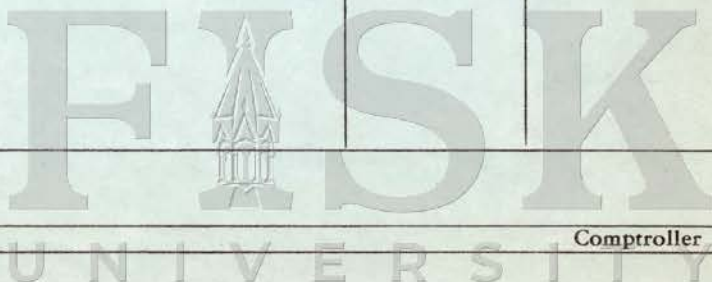
Ck.#21230

Accounts	Appropriation No.	Debit	Credit
Reserve for Payments to Judge Mack		\$1,250.00	

Prepared by
AM

Checked by

Posted by



Comptroller

J

June 22, 1939

Dear Judge Mack: ^{See} President Jones' office has forwarded to me your letter with its very kind comments concerning my speech in St. Louis in behalf of Fisk University. This reminds me that you and I have seen each other very seldom during recent years. When I first became associated with Mr. Rosenwald and the Fund, a part of my compensation was the privilege of talks and correspondence with you. Can we not renew that association? Whenever you are in Chicago, will you not let me know? And when I am in New York, as I am from time to time, I should like the privilege of trying to reach you for a luncheon or an hour in the afternoon.

Very truly yours,

EDWIN R. EMBREE

ERE:McK

Judge Julian W. Mack
United States Court House
New York City

FISK
UNIVERSITY

JULIAN W. MACK

U. S. COURT HOUSE

NEW YORK CITY

June 26, 1939

	ERE	28	ERE	o

D

Dear Mr. Embree:

While I shall always be happy to see you I fear that ^{for} some time to come our meetings must be in New York and not in Chicago.

For over a year and a half I have been out of all activities and for a good part of the time, as at the moment, confined to the apartment, but I hope soon to resume my daily auto drives.

I expect to remain here until after the 20th of July when I hope to get out somewhere in the surrounding country and enjoy nature, the grass and trees, of which on my terrace I am deprived.

But when you come to New York I hope that you will ring my home (Stuyvesant 9-3437) and have luncheon, dinner or supper with me.

With kindest regards,

Cordially yours,

Julian W. Mack
E.P.

Mr. Edwin R. Embree
4901 Ellis Avenue
Chicago
Illinois

FISK

UNIVERSITY

Julius Rosenwald Fund

4901 Ellis Avenue
CHICAGO

To

Judge Julian W. Mack

Woolworth Building

New York City

Payment Voucher No. 101

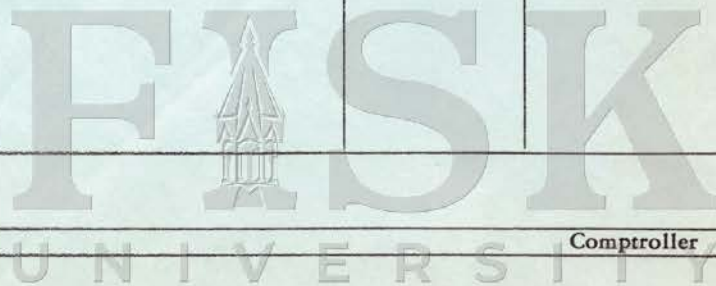
Date August 1, 1939

Payment as per Trust Agreement in lieu of dividend - - - - - \$1,250.00

Ck. #21667

Accounts	Appropriation No.	Debit	Credit
Reserve for Payments to Judge Mack		\$1,250.00	

Prepared by	Checked by	Posted by	Comptroller
McK			



Julius Rosenwald Fund

4901 Ellis Avenue
CHICAGO

To
Judge Julian W. Mack
Woolworth Building
New York City

Payment Voucher No. 400

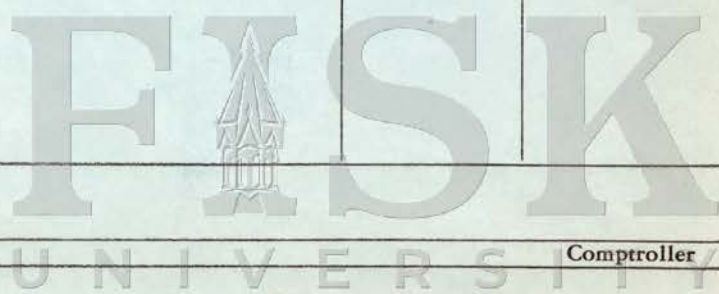
Date November 1, 1939

Payment as per Trust Agreement in lieu of dividend - - - - - \$1,250.00

Ck.#22029

Accounts	Appropriation No.	Debit	Credit
Reserve for Payments to Judge Mack		\$1,250.00	

Prepared by	Checked by	Posted by
AM		



Comptroller

Julius Rosenwald Fund

4901 Ellis Avenue
CHICAGO

To

Judge Julian W. Mack

Woolworth Building

New York City


Payment Voucher No. 823

Date February 1, 40

Payment as per Trust Agreement in lieu of dividend - - - - - \$1,250.00

Chk. #22524

Accounts	Appropriation No.	Debit	Credit
Reserve for Payments to Judge Mack		\$1,250.00	

Prepared by	Checked by	Posted by	
DAE			

JULIAN W. MACK
24 FIFTH AVENUE
NEW YORK CITY

February 5, 1940

J

<i>De</i>	<i>7</i>	<i>DE</i>	<i>o</i>
<i>mck</i>			<i>o</i>
<i>mck</i>		<i>mck</i>	<i>o</i>

Gentlemen:

Please note that in the future all mail to Judge Julian W. Mack should be sent to his home address as given on this letter head instead of to the U. S. Court House, New York City, or Woolworth Building, New York City, as heretofore.

Very truly yours,

E. Roberts

Secretary to Judge Mack

P. S. I acknowledge receipt of check to the order of Judge Mack in the amount of \$1,250.00 and thank you for it on his behalf.

Secretary to Judge Mack

FISK

UNIVERSITY

Julius Rosenwald Fund

4901 Ellis Avenue
CHICAGO

To

Judge Julian W. Mack

243 Fifth Avenue

New York City


Payment Voucher No. 1206

Date May 1, 1940

Payment as per Trust Agreement in lieu of dividend - - - - - \$1,250.00

Ck.#22981

Accounts	Appropriation No.	Debit	Credit
Reserve for Payments to Judge Mack		\$1,250.00	

Prepared by	Checked by	Posted by	
AM			

Julius Rosenwald Fund

4901 Ellis Avenue
CHICAGO

To

Judge Julian W. Mack

243 Fifth Avenue

New York City

Payment Voucher No. 1206

Date May 1, 1940

The check enclosed herewith is tendered in full payment of the following:

Payment as per Trust Agreement in lieu of dividend \$1,250.00

	56	5/6	56	5/6

Dear Mr. Mack -
Your Secy note the address 24 - not 243 - 5th av
Will you please have

Comdly, J. W. Mack

Ck.#22981

No acknowledgment required. The cancelled check will be regarded as a receipt.

W

May 6, 1940

Dear Judge Mack: I am sorry the payment due you on May 1 was sent to the wrong address. We have changed our records, and in the future checks will be sent to 24 Fifth Avenue in accordance with your request.

Very truly yours,

DOROTHY A. ELVIDGE

DAE:AM

Judge Julian W. Mack
24 Fifth Avenue
New York City



Julius Rosenwald Fund

4901 Ellis Avenue
CHICAGO

To Judge Julian W. Mack
24 Fifth Avenue
New York City

Payment Voucher No. 1574

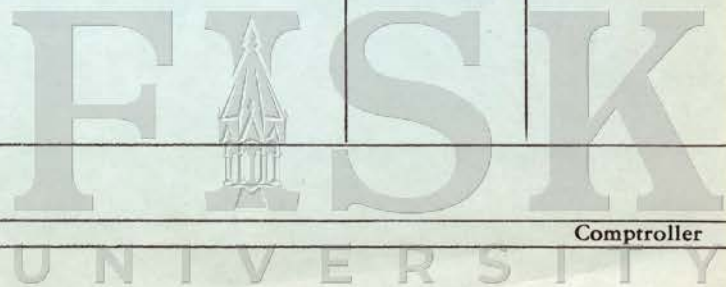
Date August 1, 1940

Payment as per Trust Agreement in lieu of dividend - - - - - \$1,250.00

Ck. #23414

Accounts	Appropriation No.	Debit	Credit
Reserve for Payments to Judge Mack		\$1,250.00	

Prepared by McK	Checked by	Posted by	Comptroller
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Julius Rosenwald Fund

4901 Ellis Avenue
CHICAGO

To

Judge Julian W. Mack

24 Fifth Avenue

New York City

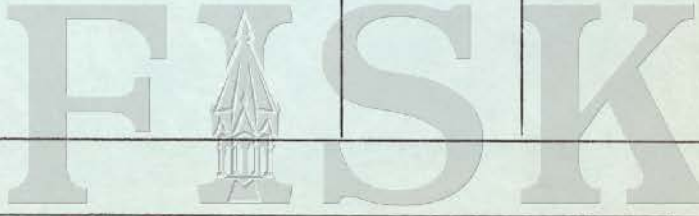
Payment Voucher No. 1881

Date November 1, 1940

Payment as per Trust Agreement in lieu of dividend - - - - - \$1,250.00

Ck.#28790

Accounts	Appropriation No.	Debit	Credit
Reserve for Payments to Judge Mack		\$1,250.00	

Prepared by AM	Checked by	Posted by	

Julius Rosenwald Fund

4901 Ellis Avenue

CHICAGO

To Judge Julian W. Mack

24 Fifth Avenue

New York City

Payment Voucher No. 2404

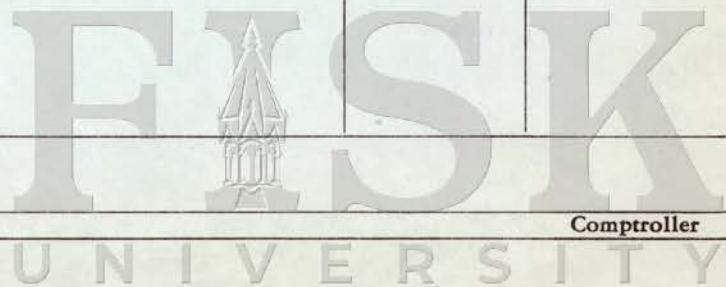
Date February 1, 1941

Payment as per Trust Agreement in lieu of dividend - - - - \$1,250.00

Ck. #24391

Accounts	Appropriation No.	Debit	Credit
Reserve for Payments to Judge Mack		\$1,250.00	

Prepared by	Checked by	Posted by	Comptroller
AM			



Julius Rosenwald Fund

4901 Ellis Avenue

CHICAGO

To

Judge Julian W. Mack

24 Fifth Avenue

New York City


Payment Voucher No. 2864

Date May 1, 1941

Payment as per Trust Agreement in lieu of dividend - - - - \$1,250.00

Ck.#24922

Accounts	Appropriation No.	Debit	Credit
Reserve for Payments to Judge Mack		\$1,250.00	

Prepared by	Checked by	Posted by	
AM			



UNIVERSITY

Julius Rosenwald Fund

4901 Ellis Avenue
CHICAGO

To

Judge Julian W. Mack
24 Fifth Avenue
New York City


Payment Voucher No. 3306

Date August 5, 1941

Payment as per Trust Agreement in lieu of dividend - - - - - \$1,250.00

Ck. #25420

Accounts	Appropriation No.	Debit	Credit
Reserve for payments to Judge Mack		\$1,250.00	

Prepared by	Checked by	Posted by	
McK			

Julius Rosenwald Fund

4901 Ellis Avenue
CHICAGO

To

Judge Julian W. Mack

24 Fifth Avenue

New York City

Payment Voucher No. 3737

Date November 3, 1941

Payment as per Trust Agreement in lieu of dividend - - - - - \$1,250.00

Ck. #25905

Accounts	Appropriation No.	Debit	Credit
Reserve for Payments to Judge Mack		\$1,250.00	

Prepared by AM	Checked by	Posted by
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Comptroller

Julius Rosenwald Fund

4901 Ellis Avenue
CHICAGO

To

Judge Julian W. Mack

24 Fifth Avenue

New York City

Payment Voucher No. 4155

Date February 2, 1942

Payment as per Trust Agreement in lieu of dividends - - - - - \$1,250.00

Ck. #26380

Accounts

Appropriation No.

Debit

Credit


Reserve for payments to Judge Mack

\$1,250.00

Prepared by
AM

Checked by

Posted by


FISK
UNIVERSITY

Comptroller

Julius Rosenwald Fund

4901 Ellis Avenue

CHICAGO

To

Judge Julian W. Mack

24 Fifth Avenue

New York City

Payment Voucher No. 4550

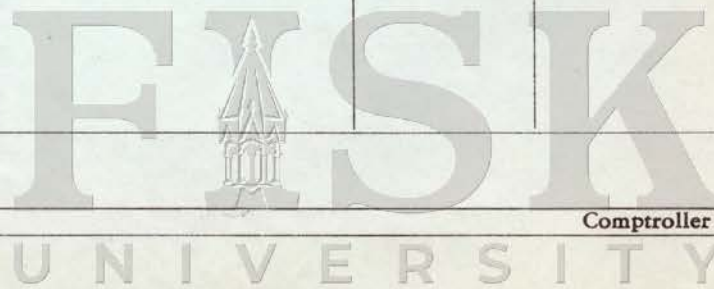
Date MAY 1, 1942

Payment as per Trust Agreement in lieu of dividends - - - - \$1,250.00

Chk. #26830

Accounts	Appropriation No.	Debit	Credit
Reserve for payments to Judge Mack		\$1,250.00	

Prepared by	Checked by	Posted by
AM		



Comptroller

Julius Rosenwald Fund

4901 Ellis Avenue
CHICAGO

To

Judge Julian W. Mack

24 Fifth Avenue

New York City

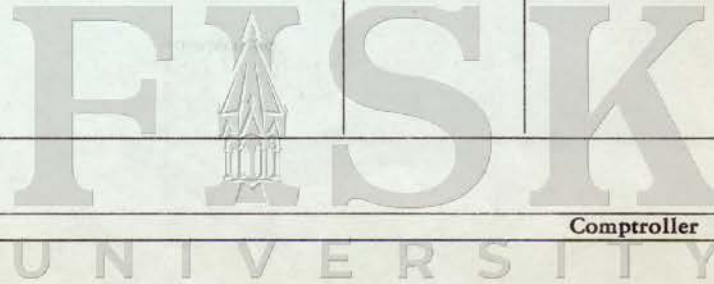
Payment Voucher No. 4962

Date August 3, 1942

Payment as per trust agreement in lieu of dividends - - - - - \$1,250.00

Ch.#27287

Accounts	Appropriation No.	Debit	Credit
Reserve for payments to Judge Mack		\$1,250.00	

Prepared by AM	Checked by	Posted by	 Comptroller

Julius Rosenwald Fund

4901 Ellis Avenue
CHICAGO

To

Judge Julian W. Mack
24 Fifth Avenue
New York City


Payment Voucher No. 5387

Date November 2, 1942

Payment as per trust agreement in lieu of dividends - - - - \$1,250.00

Ch. #27758

Accounts	Appropriation No.	Debit	Credit
Reserve for payments to Judge Mack		\$1,250.00	

Prepared by	Checked by	Posted by	
AM			

Julius Rosenwald Fund

4901 Ellis Avenue
CHICAGO

To

Judge (Julian W.) Mack
24 Fifth Avenue
New York City

Payment Voucher No. 5821

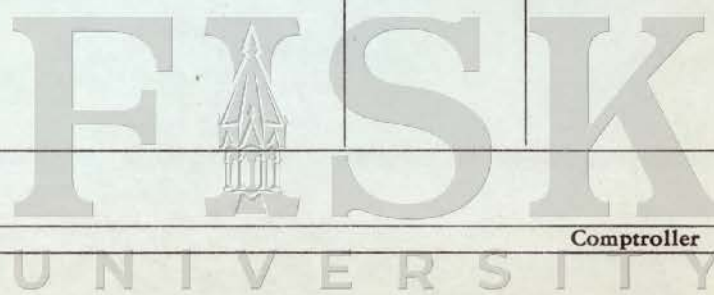
Date February 1, 1943

Payment as per trust agreement in lieu of dividends - - - \$1,250.00

Chk. #28239

Accounts	Appropriation No.	Debit	Credit
Reserve for payments to Judge Mack		\$1,250.00	

Prepared by AM	Checked by	Posted by
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Comptroller

CROSS REFERENCE RECORD

FIRM NAME OR SUBJECT		FILE NO.
DATE 3/23/43	MACK JULIAN REMARKS DE to Mr. Rieser and Mr. Rosenwald advising them	
	that there is only one quarter's installment left in the	
	fund set up for Judge Mack, and asking their reaction to	
	transferring another \$25,000 to the Judge Mack reserve.	

SEE		FILE NO.
RIESER LEONARD ROSENWALD LESSING (authorization received 3/26/43)		

DATE	SIGNED

FILE CROSS REFERENCE RECORD UNDER NAME OR SUBJECT LISTED AT TOP OF THIS SHEET, AND IN PROPER DATE ORDER. THE PAPERS REFERRED TO SHOULD BE FILED UNDER NAME OR SUBJECT LISTED UNDER "SEE"

YAWMAN AND ERBE MFG. CO.
ROCHESTER, N. Y.



Julius Rosenwald Fund

4901 Ellis Avenue
CHICAGO

Mack, Julian

Journal Voucher No. 2683

Date March 26, 1943

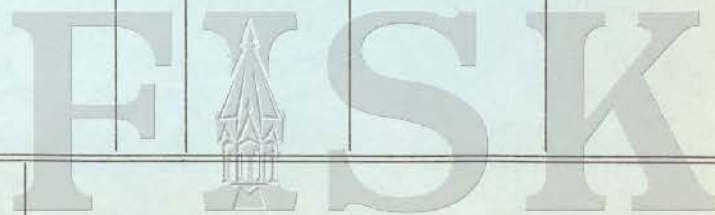
Explanation	Appropriation No.	Debit	Credit
<p>Capital</p> <p style="padding-left: 40px;">Reserve for payments due Judge Mack</p> <p>To Reserve additional funds to cover annual payments of \$5,000 each to Judge Julian W. Mack.</p>		<p>\$25,000.</p>	<p>\$25,000.</p>

Prepared By

AM

Checked By

Posted By



Comptroller

Julius Rosenwald Fund

4901 Ellis Avenue
CHICAGO

To
Judge (Julian W.) Mack
24 Fifth Avenue
New York City

Payment Voucher No. 6321

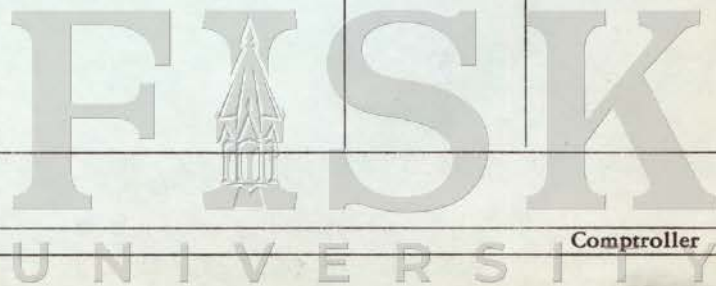
Date May 3, 1943

Payment as per trust agreement in lieu of dividends - - \$1,250.00

Ok. #28796

Accounts	Appropriation No.	Debit	Credit
Reserve for Payments to Judge Mack		\$1,250.00	

Prepared by AM	Checked by	Posted by	Comptroller
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2000 Shares S. R. + Co. Capital Stock. A3

N.O. JULIAN MACK (Trust Fund)

C 10793/812 - 100 shares each - 2000 shares.

Stock Powers Attached.

Julius Rosenwald Fund

4901 Ellis Avenue
CHICAGO

To

Judge Julian W. Mack

24 Fifth Avenue

New York City

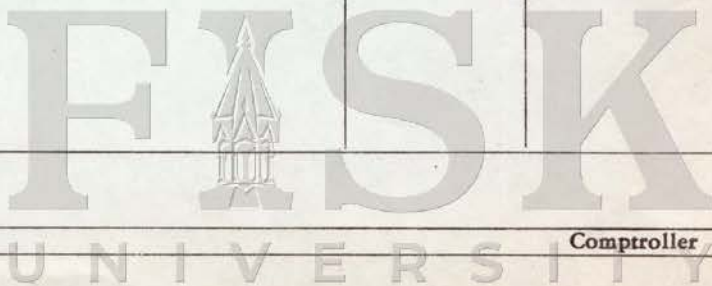
Payment Voucher No. 6771

Date August 2, 1943

Payment as per trust agreement in lieu of dividends - - \$1,250.00

Chk. #29316

Accounts	Appropriation No.	Debit	Credit
Reserve for Payments to Judge Mack		\$1,250.00	

Prepared by AM	Checked by	Posted by	

Julius Rosenwald Fund
4901 Ellis Avenue
CHICAGO

Mack, Julian

Journal Voucher No. 2750

Date September 15, 1943

Explanation	Appropriation No.	Debit	Credit
<p>Reserve for Payments due Judge Mack</p> <p>Capital</p> <p>To transfer balance in Judge Mack reserve to Capital account. Judge Julian W. Mack died in September 1943.</p>		<p>\$23,750.00</p>	<p>\$23,750.00</p>
<p>Prepared By AM</p>	<p>Checked By</p>	<p>Posted By</p>	<p>Comptroller</p>

FISK UNIVERSITY

TO ERE
FROM DAE
DATE September 20, 1943
SUBJECT: Judge Mack Trust

I was curious to know by how much we benefitted from the original Judge Mack Trust Agreement. If the figures that I have taken out of the old records are correct, we received as a result of the setting up of this Trust 3,378 shares of Sears stock and \$122,845 in cash dividends. Our payments to Judge Mack have totalled \$58,983. We are, therefore, \$63,862 to the good in cash, plus the 3,378 shares of stock.

DE:AM

wow! I had no idea
we were such winners.
Leonard Riser asked about our
balance. You might send him this
note - also maybe mention in the
report to the trustees of the
closing out of this trust
ERE

TO ~~ERE~~

FROM DAE

DATE October 18, 1943

SUBJECT: Julian W. Mack Charity Trust

On or about August 31, 1918, Mr. Julius Rosenwald set aside in the Julian W. Mack Charity Trust Fund 625 shares of Sears, Roebuck and Co. stock. The cash dividends on this stock, not exceeding \$5,000 in any one year, were to be paid to Judge Mack. If dividends in any year exceeded this \$5,000, the excess was to be turned over to the Fund. At the time of Judge Mack's death, the stock and accumulated income, if any, were to be the property of the Julius Rosenwald Fund.

On July 15, 1920, Sears declared a 40% stock dividend, and since the original 625 shares were sufficient to meet the payments to Judge Mack, these extra shares were transferred to the Fund with the understanding that, if the stock remaining in the Trust should fail in any one year to provide the \$5,000 annual payment due Judge Mack, the Fund would make up the difference from the cash income it had received on the 250 shares.

In March 1926, Sears stock split 4 for 1, increasing the original 625 shares in the Trust to 2,500 shares. But only 2,000 shares were needed to provide the income for Judge Mack, so the extra 500 shares were transferred to the Fund. (From the early records one is led to assume that these 500 shares were a part of a gift of 42,440 shares made by Julius Rosenwald to the Fund in June 1926 and recorded in the minutes as of that date.) As a result of the 4 for 1 split in the stock, the Fund owned 1,500 shares of Sears derived from the Trust. Between the years 1928 and 1931, twelve 1% stock dividends were paid, and in each case the Fund received, not only the 1% on the 1,500 shares in its name, but also the 20 shares paid on the 2,000 shares remaining in the Trust, increasing the total number of shares from 1,500 to 1,939.

In 1932, when Sears stopped paying dividends, the Fund was called on to pay the \$5,000 annually to Judge Mack. In June 1933, to simplify the procedure, the 2,000 shares of stock remaining in the Trust were transferred to the Fund, and the Fund agreed to pay Judge Mack \$5,000 a year during his lifetime.

Cash dividends and fractional share values on the 3,939 shares of stock have amounted to \$168,527.59. Since 1932, payments to Judge Mack have totalled \$56,250 and an early audit report shows payments totalling \$2,733.50 made in the early years up to 1926. The Fund, has, therefore,

benefited from this Trust to the extent of 3,939 shares of Sears stock and \$109,544.09 in cash.

On June 30, 1943, there was set up on the books of the Fund, a \$25,000 reserve to cover payments to Judge Mack. One quarterly payment of \$1,250 was charged against this reserve in August 1943, the balance being allowed to revert to the free funds available for appropriation after Judge Mack's death in September.

STOCK AND CASH COMPUTATION ON JUDGE MACK TRUST

STOCK

<u>Date</u>	<u>Explanation</u>	<u>No. Shares</u>	<u>Fractional Share</u>	<u>Cash Value</u>
7/15/20	40% dividend	250		
3/25/26	4 for 1 split	1,000		
	4 for 1 split of 625 shares in Trust - - - - - 2,500			
	Left in Trust - - 2,000	500		
9/1/28	1% stock dividend on above shares and on 2,000 shares remaining in Trust	35		
11/1/28	"	35	.35 @ \$161.50	\$ 56.52
2/1/29	"	35	.70 @ \$169.25	118.47
5/1/29	"	36	.05 @ \$146.00	7.30
8/1/29	"	36	.41 @ \$170.50	69.90
11/1/29	"	36	.77 @ \$151.50	116.65
2/1/30	"	37	.13 @ \$ 85.00	11.05
5/1/30	"	37	.50 @ \$ 87.875	43.93
8/1/30	"	37	.87 @ \$ 67.00	58.29
11/1/30	"	38	.24 @ \$ 56.50	13.56
2/1/31	"	38	.62 @ \$ 47.50	29.45
5/1/31	"	39	-	-
6/30/33	Received principal shares	2,000		
		<u>3,939</u>		<u>\$525.12</u>

CASH

		<u>No. Shares</u>	<u>Amount</u>
8/20	\$2.00 per share	250	\$ 500.00
11/20	\$2.00 per share		500.00
1921	Scrip for \$2.00 redeemable 8/15/22		500.00
1924	Total \$3.00		750.00
1925	Total \$6.00		1,500.00
2/1/26	\$1.50		375.00
5/26)	10 dividends of 62½¢ each		
8/28)		1,500	9,375.00
11/28	62½¢	1,535	959.37
2/29	62½¢	1,570	981.25
5/29	62½¢	1,605	1,003.12
8/29	62½¢	1,641	1,025.62
11/29	62½¢	1,677	1,048.12
2/20	62½¢	1,713	1,070.62
5/30	62½¢	1,750	1,093.75
8/30	62½¢	1,787	1,116.87
11/30	62½¢	1,824	1,140.00
2/31	62½¢	1,862	1,163.75
5/31	62½¢	1,900	1,187.50
1931-32	Total \$2.50	1,939	4,847.50
5/35	Total .75	3,939	2,954.25
1935-36	Total \$2.00	3,939	7,878.00
1936-37	Total \$6.75		26,538.25
1937-38	Total \$5.50		21,664.50



STOCK AND CASH COMPUTATION ON JUDGE MACK TRUST

1938-39	Total	\$3.00	3,939 shares	\$11,817.00
1939-40	Total	\$4.25		16,740.75
1940-41	Total	\$4.25		16,740.75
1941-42	Total	\$4.25		16,740.75
1942-43	Total	\$4.25		<u>16,740.75</u>
				<u>\$168,002.47</u>

TOTAL BENEFIT TO FUND

		<u>Stock</u>	<u>Cash</u>
Number of shares of stock received		3,939	
Fractional share values on 12 - 1% stock dividends			\$ 525.12
Cash Dividends			<u>168,002.47</u>
		3,939	\$168,527.59
Less: Payments to Judge Mack			
To 6/30/28*	\$ 2,733.50		
1932-33	5,000.00		
1933-34 to and including 1942-43	50,000.00		
August 1, 1943	<u>1,250.00</u>		<u>58,983.50</u>
Benefit to Fund		<u>3,939</u> shares	<u>\$109,544.09</u>

*From 6/30/29 audit. Paid between period from January 1, 1919 to June 30, 1926.

COMPLIMENTS OF
H. M. KALLEN
66 WEST 12TH ST.
NEW YORK 11, N. Y.

Handwritten notes:
~~See~~
~~AK~~
54

(JULIAN W.) MACK, 1866-1943

By HORACE M. KALLEN

Reprinted from THE AMERICAN JEWISH YEAR BOOK, Vol. 46

NEW YORK

THE AMERICAN JEWISH COMMITTEE

1944

FISK
UNIVERSITY



JULIAN WILLIAM MACK

1866-1943

FISK
UNIVERSITY

JULIAN WILLIAM MACK, 1866-1943

By HORACE M. KALLEN

NO ONE person's recollection, no, nor the rememberings of the thousands whose lives touched the life of Julian Mack can ever approach the substance of this high-minded being or recapture the zest for life or the impartiality that was yet all sympathy, which his presence communicated. From 1911 to 1941—during thirty years—a judge on the federal bench, by universal consent one of the most hard-working, competent and judicious of his time, he refused to imprison the citizen in the judge, or to let the bench contain him. He went all out for applied democracy in one or another field of community life, and there is hardly a major social cause which he did not illumine and defend.

Born in San Francisco, grown to manhood in Cincinnati, he came to be known and cherished not only in those cities and in Chicago, New York, Washington and Miami, but at Versailles and Vienna and Geneva and Jerusalem. His life and works are an outstanding testimony of how freedom releases Jewish men and women to put distinguished powers and unyielding democratic faith into the common hopper of the American way. His story provides an outstanding testimony of how championing equal liberty for the Jew as Jew inevitably calls for strengthening the civil liberties of every human being.

The outer man, especially to those who knew Judge Mack only from his public appearances, gave little hint of the inner spirit. A stocky figure, short and stout, whose voice had in later years become a little plaintive and a little strident, he gave, in his prime, an impression of great drive and vital force. Chief Justice Stone of the United States Supreme

Court writes of him as he was in 1917: "He had great intellectual vigor and physical endurance. He was a practical-minded man because of his long experience in the courts. He had a good understanding of human psychology. While he was not a man who could be easily taken in he was a man of broad sympathies, high intelligence, and was tolerant enough to know that men could be conscientious in beliefs which were wholly foreign to his own." Later, and especially as deafness crept up on him, he appeared inattentive, often seeming unconscionably to sleep while others were talking. But when it came to dealing with issues, people who counted on these appearances speedily found how deceitful they could be. There are many who have reason to remember his outraged roar, and more who still must smile as they recall the mighty ring of his laughter.

It is true, however, that Judge Mack exercised upon people seeing or hearing him for the first time no particular attraction. It is in working with him that they came to admire and to love him. In fact, his smile, his zest, his directness, his outgivingness, made him one of the most engaging persons in public life. Not by any means an orator, Julian Mack held his own at meetings, in conferences, in committees, against masters of all the rhetorical tricks, by the extraordinary lucidity of his thinking, the sincerity and force of his spirit. People discovered in a very brief time how rare were their fellow-worker's qualities of mind and heart. Justice Stone, who served with him on President Wilson's Board of Inquiry on Conscientious Objectors writes, "his vitality and vigor, his lively interest in everything worth thinking about, and his enlightened intelligence, attracted me from the start." No one else could find the dynamic core of a problem so rapidly, or expound its nature and implications so simply, with such unusual clearness, and with such justice and sympathetic understanding for the aspects to which he himself might be even passionately opposed. Because of this generosity of spirit—which is commoner in science than in law, and is indeed the point of departure of scientific method—one felt Judge Mack's own views to be all the more

compelling. "The great thing about him," writes his colleague, Judge Augustus N. Hand, "was his ability to act with judgment and detachment whenever he had to resolve contested issues in the courts, plus a kindly nature and warm heart that were guided by a high intelligence." These are the attributes of a just mind, that held it to be a part of the sportsmanship or equity, which legal justice achieves at its best, never to leave anyone in doubt what its own views were. Though he presided over many great trials—notably those of Harry M. Daugherty, Attorney-General during the Harding Administration, and Col. Thomas W. Miller, Alien Property Custodian of World War I—often involving much prejudice and the most complicated and confusing issues, he never once lost the confidence of the Bar and the respect and affection of the Bench. In 1935, when he sat in the case of the reorganization of the notorious Associated Gas and Electric Company, counsel for this holding concern took recourse to charging Julian Mack, then the oldest Federal judge in the District, with personal bias and prejudice. Judge Mack at once asked Robert P. Patterson, the youngest judge, to pass on the charges, volunteering, although the final decision was lawfully his own, to accept Patterson's opinion without question. Patterson found the charges false. He declared in his memorandum: "There is not a trace of bias or prejudice against the debtor in any of these [Judge Mack's] remarks or rulings." And he dismissed the complaint as "frivolous."

And what else, indeed, could the finding have been? Unfairness was as foreign as obscurity to the spirit of Julian Mack. Whether in the practice of the law, the judgment of the court, or the handling of the problems that came before him from the various causes of human freedom and human welfare that he served, he invariably transformed the most confused and obfuscated matter into an issue simple and clear, with its scientific and ethical bearings unmistakable. Judge Mack was roused to anger not so much by ill-will as by deceit and hypocrisy. These traits would bring forth his roars; on these he would crack down with righteous indignation.

tion. Nevertheless his bitterest foes and most obstinate opponents—and his life-long service to the welfare and freedom of men brought him many such—fought him without hatred and opposed him without rancor. Insisting that he was wrong, they also conceded that he was generous and just. Many who opposed him, as I can testify, loved him.

The causes to which Julian Mack gave himself are extraordinarily varied, yet extraordinarily consistent with one another. His career as a liberal jurist and a democratic humanist began with the conventional participation of a not poor young man blessed with a social conscience in the charities of Chicago, the city where he chose to make his home. He had gone from his high school in Cincinnati straight to the Harvard Law School, and thence, with his degree of Bachelor of Laws and the Parker Fellowship, to the Universities of Berlin and Leipzig, where he spent three years in graduate study. When he returned in 1890, at the age of twenty-four, he took his bar examinations and settled in Chicago to practice law. Within five years he became professor of law at Northwestern University, and seven years after was called to the University of Chicago. In the interim he had married his lovely and charming cousin, Jessie Fox of Cincinnati; he had been drawn into the service of the Jewish Charities of Chicago; he had begun to concern himself with the social implications of the law and the moral implications of municipal government. In 1903 he served for five months on Chicago's Civil Service Commission. The same year he ran for election to a Circuit Court judgeship of Cook County, Illinois. He was elected, and thus began a career on the bench of city, state and nation which stopped only with his retirement in 1941.

Judge Mack served on the Circuit Court of Cook County for eight years. Three of those, from 1904 to 1907, he presided over Chicago's famous Juvenile Court. Although Denver, with her unique Ben Lindsey, disputes its priority, this Court and the law which established it signalize a new vision and a new method in the treatment of youthful "lawbreakers"

which, initiated by Americans in Chicago, have been imitated and emulated everywhere in the world. They owe their creation to the persistent social conscience of the members of the Chicago Woman's Club. Lawyers and clergymen everywhere were well aware that the population of the prisons of the world averaged under twenty-five years of age. With the common law, they were content to attribute this fact to original sin, to natural perversity, to deficiency in grace; they looked upon the "juvenile delinquent" with a hostile eye; they were concerned not to save but to punish. So, in England, children of nine used to be hanged.

But the members of the Woman's Club looked at the matter differently. They felt that family, church, and State as well, might be accessories to delinquency before the event, and that the State could at least supplement and, where necessary, replace, family and church where they fail. From 1883 the clubwomen labored to implement this view, drawing to their side jurists and politicians, until at last the Juvenile Court Law was framed and passed and the Court established. Judges were assigned to it annually from among the members of the Cook County Circuit Court, on the basis, in part at least, of the recommendation of the Club's Juvenile Court Committee. Among the male collaborators of these humane and wise women had been Julian Mack. He had served on the Circuit Court but a year, when they asked him to go on the Juvenile Court. "He gave up," says Mrs. Joseph T. Bowen, describing the early days of the Juvenile Court in 1927, "most complicated and interesting legal work in order that he might help with the Children's Court. How well he did it! We look back with the greatest pleasure and thrill of pride not only to his decisions but to the educational campaign which he conducted at the time in order that the Juvenile Court might be interpreted to the people." As an instrument of this campaign he organized the Juvenile Protective Association which in 1907 absorbed the Woman's Club Committee. He helped secure the collaboration with the Court, of Chicago's Psychopathic Institute. He insisted that for the community the question regarding any child is

not *Are you guilty?* but *How and why have you become as you are? What can best be done to save you from ever being brought to court at all?*

Among Judge Mack's fellow-workers were Jane Addams, Julia C. Lathrop, Graham Taylor, Florence Kelley and other Chicagoans who were laboring to make the democratic way more effective in the Middle West. Mack held court on Halsted Street, across the way from Hull House. The children who came before him were never charged with crime. He handled them as wards of the state under his powers of Chancery. He brought to bear on their problems the then new working conceptions of the psychologist and psychiatrist, of public health, of probation and of education. The precedents he set endure, and, in spite of much obstruction, his tradition grows.

Concurrently, he carried his share of the load as a member of the Jewish community of Chicago. A member of Temple Sinai, thinking of Jewish life and Judaism in the manner of its brilliant and temperamental rabbi, Emil G. Hirsch, he listened to sermons and served on charitable boards. Nor was his service limited to the Jewish needy and the Jewish immigrant. It embraced the entire miscellany which was pouring into Chicago. He helped Grace Abbott found her Immigrants' Protective League and was its president while he remained in Chicago, and at its call always thereafter. To the newly-formed profession of social worker his leadership was encouragement and inspiration; in 1912 he was chosen president of their National Conference. He was a founder of the Survey Associates, a board member since their organization, and the board's chairman from 1927 to his death.

But perforce the Jewish tragedy in Europe gave the Jewish need there and at home a special urgency. Jewish social workers formed a National Conference of their own and made Judge Mack president of that. In 1906, when, following the pogroms of Kishineff and Gomel, the American Jewish Committee was organized, Judge Mack was among the original fifty, who elected him vice president, and thus a member of the Executive Committee of fifteen. During the

twelve years of his membership on the Executive Committee, he participated in all the major undertakings of the Committee,—its legal and educational work in favor of a liberal immigration policy, its diplomatic efforts to safeguard equal rights for all Americans regardless of race or religion; its studies of the general condition of the emancipation; its endeavors at the Peace Conference to achieve “full rights for the Jews in all lands and the abrogation of all laws discriminating against them.”

His studies of the situation of Jews tended to shift the direction of his thought, and gradually to bring his sense of the meaning of democracy away from the prevailing assimilationist conception of Reform Judaism to that of the older, somewhat overlaid one of which Thomas Jefferson was the avatar. This led him to Zionism. The symbolic expression for the Judaist conception was “the melting pot”; the symbolic expression for the Jeffersonian one became “cultural pluralism.” As was the case with Louis Brandeis, it was no more Julian Mack’s sympathy for the Jews as pitiful victims of injustice than his revision of his idea of democracy that made a Zionist of him as well. “We ask no more” he told the peacemakers at Versailles, “for the Jew than we do for any one else.” Nor, as a loyal servant of freedom and justice, would he stop with less. To his conversion to Zionism, Judge Mack’s intimate friendship with that brave, romantic Palestinian man of science, Aaron Aaronsohn, was an important contributing factor. Others were the ideas and example of Louis Brandeis, discussion with Felix Frankfurter.

When Julian Mack felt persuaded that instead of a “melting pot,” democracy consists in the cooperative union of the different on equal terms, that a civilization is free and fertile in the degree that differences are neither suppressed nor penalized, but liberated, encouraged, and pooled in the common enterprise of the community, whether local or worldwide, he gave himself to Zionism with the same unflinching, lucid and realistic devotion as to his other causes. He labored to apply the rule of *e pluribus unum* to the special tasks

which, with the coming of the first World War, fell to the Jews of America, as Jews. During a considerable part of that period as a member of the governing bodies of both the American Jewish Committee and the Zionist Organization of America, he labored to harmonize the two sets of opposed interests. After the Balfour Declaration, because of his efforts (seconded by those of Louis Marshall and Cyrus Adler), the American Jewish Committee called a special meeting and adopted a resolution welcoming the opportunity "to aid in the realization of the British Declaration, under such protectorate or suzerainty as the Peace Congress may determine, and, to that end, to cooperate with those who, attracted by religious or historic associations, shall seek to establish in Palestine a center for Judaism, for the stimulation of our faith, for the pursuit and development of literature, science and art in a Jewish environment, and for the rehabilitation of the land." In the first American Jewish Congress which resulted at last from the efforts at unity, Judge Mack sat as one of the delegates from the American Jewish Committee as well as President of the Zionist Organization. A unanimous vote designated him as one of the seven spokesmen of American Jewry at Versailles. There he was the choice for chairman of the *Comité des Délégations Juives auprès de la Conférence de la Paix*, and Louis Marshall took over when Judge Mack had to return to the United States.

At home, during World War I, his duties had been diverse and heavy. Early in 1917 he had been called by the Committee on Labor of the Council for National Defense to serve as chairman of the Section on Compensation and Insurance for Soldiers, Sailors and Their Dependents. The plans he worked out and put in force were a new departure in the method of paying the state's debt to the citizen soldier, fundamentally more democratic, more regardful of the self-respect of the citizen, than the pension system. In face of potential industrial disputes dangerous to the war effort, he was also assigned the task of umpire for the War Labor Board, as an arbitrator acceptable to workers and managements alike.

But his most signal task was his assignment, with Dean (now Chief Justice) Harlan F. Stone and Major Richard C. Stoddard, to review the treatment of conscientious objectors. For this there had been no provision in the Articles of War, the Draft Act, or by other Congressional action. The treatment of the conscientious objector had, until then, often been characterized by blindness, brutality and stupidity. President Wilson's directive to the Board, of which he appointed Judge Mack chairman, was to sift the bona fide objectors from the dubious ones, and to assign them to non-combatant service if they would accept it, or to "farm-furlough." The tasks called for visits to all the Army camps, for interviewing all the objectors, and distinguishing the true from the untrue. Later, the President requested the Board to examine the court martial records of all conscientious objectors who had been tried. "For the successful prosecution of this important work," writes Justice Stone, "there could not have been a more ideal man than Judge Mack." The principles developed and the policies initiated by the Board, experimental and tentative as they were, represented a concrete step forward in the realization of the "democracy" men were then fighting to make the world safe for. Without its precedent, the decenter mode of dealing with the few conscientious objectors of World War II could hardly have been implemented.

Julian Mack's labors in the Zionist Organization, in the American Jewish Committee, and in all the other societies, philanthropic, educational and humanistic, which drew upon his generous spirit, were neither stopped nor diminished by this public service. He made time for everything and did five men's work. In 1918, when it became clear to him that the democratic unity he sought for American Jewry was unattainable, he resigned from the Executive of the American Jewish Committee, but retained his membership in the general body. With Louis Brandeis, Nathan Straus, Felix Frankfurter, Stephen Wise, he was the dynamic center of the American Zionist enterprise. He became the organization's president during its critical years. He was still its president

when, in 1921, "the Mack-Brandeis group" resigned in a body from the executive of the Zionist Organization of America over a fundamental issue of *method* in developing the National Home in Palestine under the terms of the Balfour Declaration. Taking as its directive Louis Brandeis' statement of 1920—"the whole of politics is to proceed efficiently in the building up of Palestine"—this group, led by Judge Mack, proceeded to the formation of the Palestine Development Council, the Palestine Cooperative Company, the Palestine Endowment Funds. He gave great sympathy and understanding to the second American Jewish Congress after it was formed. He was Honorary President of the World Jewish Congress from its organization to the day of his death.

Judge Mack's service on the Chicago Juvenile Court had brought home to him the central import of the problems of education. They remained one of his deepest concerns the rest of his life. When, for his fiftieth birthday, his friends insisted on making him a special gift, and he finally agreed, he asked that it consist of a fund on which he might draw for loans or stipends to able but needy students working their way through college. It is a fund that ought to be kept up in his memory. The philosophy of education that had come out of his thinking and doing on this subject was the progressive one identified with John Dewey, and it governed his attitudes and actions whether as a Trustee of the Hebrew University in Jerusalem, as staunch supporter of the New School for Social Research from the very first, as a founder and later Chairman of the Board of the Jewish Institute of Religion, or as a thrice-chosen member of the Board of Overseers at Harvard College. To this last post, it is significant that he was twice nominated on petition circulated by the members of the Harvard Liberal Club,—first in 1927 and again in 1937. In 1927 he got a majority of the votes cast and the largest vote of any candidate. In 1937 Charles Francis Adams and George Peabody Gardner, Jr., polled not many more votes. Julian Mack's service to the University in his capacity as Overseer was varied. He was on the Visiting Committee for the Law School, the Germanic

Museum, the German Department, and the Semitic Department. He helped largely in the establishment of the Kuno Francke professorship in Germanic Art and Culture, and the Nathan Littauer Professorship in Jewish Literature and Philosophy. But to Harvard liberals his most significant service to their Alma Mater lay in the stand he took in 1922 against President A. Lawrence Lowell's proposal to set up a *numerus clausus* for Jewish students. Without his sharp intervention, this expression of snobism and prejudice might have won out by default.

Perhaps the most characteristic, the most expressive fact of Julian Mack's conception of education is the one Palestinian institution to which he expressly gave his name. This is the Julian W. Mack School and Workshops in Jerusalem. It owes its birth, its growth, and its survival to Judge Mack who, in 1920, arranged that an American educator bring to the service of the children of Jerusalem what was most functionally democratic in the American theory and practice of education. The school was first known as "The School of the Parents' Education Association." It was a cooperative undertaking which brought together Jewish children of all classes, sects and origins, and sought, by adapting progressive methods of education to the vital needs of Palestine, to unify their diversity into a free, harmonious Palestinian Jewish type. It employed what Henrietta Szold describes as "an ethical method of acquiring knowledge," and the hope and wish of the school's principal, of Judge Mack, and of the people who joined him in its support was to extend its type of service to all the underprivileged and marginal children of Jewish Palestine. It was seventeen years before this could be undertaken in Jerusalem alone, and when it was, Julian Mack gave it his name, and the Julian W. Mack School and Workshops in Palestine stand as the unique symbol of his first and most lasting interest in education.

Take the record of Julian Mack's achievement as a lawyer and a judge, take the tale of his services as a democrat, a public servant, a humanitarian, a Jew and a humanist, and

you have a record large enough for half a dozen lives, not only one. Yet throughout the days of his maturity Julian Mack was not a well man. With the most discriminating taste in food and drink, with a knowledgeable zest unusual even in a gourmet, he had to follow a diabetic's regimen, and once or twice suffered illnesses that brought him close to death. Nobody would have known it from him. His life was, through its long last illness, right up to its contracted last moment, one brave, willing affirmation. He took what he had to take, and he stood up, without flinching, saying *Yes* to life. Thinking of him, one thinks of the words of another great Jew, Baruch Spinoza: "A free man thinks of nothing less than death, and his wisdom is not a meditation upon death but upon life." Julian Mack was a free man.