

W AS

November 21, 1934

Dear Dr. Cocking: You will recall that the General Education Board agreed to take over the Julius Rosenwald Fund's obligation for the Vocational Shop Supervisor through the end of the fifth year if the state needed this aid the last year and if the state superintendent would make request of the General Education Board. If your state is still carrying on this work the present year and qualifies for the aid, will you please write Mr. Jackson Davis requesting that aid be given for 1934-35 - one-fourth the total cost up to but not to exceed \$325..

I shall be glad to hear from you in regard to this.

Sincerely,

SLS:ch

Dr. Walter Cocking  
State Department of Education  
Nashville, Tennessee

cc to Mr. Ed. Turner



*Misc.  
Tenn.*

*NRS (Tenn)*

**JULIUS ROSENWALD FUND**

**SOUTHERN OFFICE**

**COPY**

August 31, 1936

Dear Supt. Houston: On August 22 I had a letter from Mr. J. L. White, Attorney, attaching a copy of a bill filed "IN RE D. C. CROWDER AND THE DECATURVILLE COLORED SCHOOL BUILDING". As we deal directly through the state and county public school officials, I am giving my answer through you and sending Mr. White a copy.

The Julius Rosenwald Fund has given aid at four different times toward the construction of buildings for the Decaturville Negro school, Decatur County, Tennessee, - a three-teacher school building (\$900.00), a two-room addition for vocational work (\$400.00), a teachers home (\$900.00), and another two-room addition to the building (\$500.00). Payment by the Fund in each case was made through the State Department of Education. I am giving you the details of each separately for your information.

1. In August 1924 an application was filed for aid for the erection of a three-teacher consolidated Negro school at Decaturville, signed by P. L. Harned, Commissioner of Education, and O. H. Bernard, State Agent. This application was approved by me as Director of the Southern Office of the Julius Rosenwald Fund. In October 1924, these same officials filed an inspection report showing the total cost of the building to be \$5,725, the contributions being as follows: \$1,000 from the state aid fund for consolidation of schools; \$600.00 from the County Board of Education; \$3,225 from public subscriptions; and \$900.00 from the Julius Rosenwald Fund. The signed application from the State Department of Education stated that the building was being erected on a four acre site deeded to the County Board of Education in fee simple, and that at least two other public Negro schools were being consolidated with this school, which would qualify it to receive state aid for consolidation.

2. In May 1927 an application was filed for aid toward the building of two additional separate rooms at this school (one to be used for the boys' industries and the other for the girls' industries). This application and also the inspection report was signed by P. L. Harned, Commissioner of Education, and O. H. Bernard, State Agent, showing that the cost of the two additional rooms was \$1,955, contributions toward this total cost being as follows: \$335.00 by the County Board of Education; \$375.00 by the General Education Board for equipment, paid through the State Department of Education; \$325.00 by white friends; \$520.00 by the Negroes of the community; and \$400.00 by the Julius Rosenwald Fund.

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3. In October 1929 the Julius Rosenwald Fund gave aid toward the construction of another two room addition to the Decatur County Training School. The reported cost of this addition was \$1,540, contributions being made as follows: \$390.00 by the County Board of Education; \$300.00 by the General Education Board, through the State Department of Education; \$550.00 by white friends; \$200.00 in labor by the Negroes of the community; and \$500.00 by the Julius Rosenwald Fund.

4. In September 1925 application and inspection reports were signed by P. L. Harned, Commissioner of Education, and O. H. Bernard, State Agent, for aid toward the construction of a teachers home at the Decatur County Training School for Negroes. On this application it was stated that the site for this building was deeded to the County Board of Education, and that the total cost was \$2,000, contributed as follows: \$1,100 by the Negroes of the community; and \$900.00 by the Julius Rosenwald Fund. This grant from the Julius Rosenwald Fund was requested by the principal and public school authorities for the building of a teachers home to take care of all the teachers of the school and was to be a part of the public school plant. Under the policy of the Fund, aid could not have been given to erect a teachers home to be owned by the principal or teachers.

The above statement is taken from our records on file in this office. If you should need photostat copies of these applications and inspection reports we can furnish them to you on request.

The total cost of the four projects, mentioned above, was \$11,220, contributions being made as follows: \$2,325 from public school funds, state and local; \$675.00 by the General Education Board, through the State Department of Education; \$675.00 by white friends; \$5,045 by the Negroes of the community (cash, labor and materials); and \$2,500 by the Julius Rosenwald Fund. Other contributions toward additional equipment, not included in this report, were made by the General Education Board and the Slater Fund; but we do not have a definite account of these in our records. They can be secured through the State Department of Education.

In giving aid toward the construction of 5,357 Negro school buildings in fifteen southern states of the South, the Julius Rosenwald Fund has always required that the land on which the buildings were erected be deeded to the public school authorities and that the buildings be used for Negro public schools. Almost without exception the Negroes have contributed generously toward the construction of these buildings, including cash, labor, land and material. In fact, their total contributions have been greater than the grants from the Julius Rosenwald Fund. But, this is the

JULIUS ROSENWALD FUND

Supt. Houston:-

- 3 -  
SOUTHERN OFFICE

**COPY**

first case, so far as I know, in which a Negro principal or teacher, who sponsored the raising of funds in order to qualify for aid from the Julius Rosenwald Fund, has undertaken legal action to take possession of the school building or teachers home as his own personal property.

You should have no difficulty in holding all these buildings as public school property to be used by the Negroes of that community, since all the money contributed by the Julius Rosenwald Fund, the General Education Board and the State Department of Education was asked for and given on condition that the property would belong to the public school authorities and be used as a Negro public school.

Since the contributions by the Julius Rosenwald Fund were made through the State Department of Education toward the construction of these buildings, with the definite understanding that the buildings belong to the public school authorities, owned and operated just as other public schools, we could not take part as a defendant in the suit. It would seem that the County Board of Education would be the sole defendant. I cannot see how any court could fail to give judgement in favor of the defense in this case.

Sincerely yours,

*J. L. Smith*

Director for Southern Office.

SLS:MT

Supt. Kennie K. Houston  
Decaturville, Tennessee

CC: Mr. J. L. White

**FISK**  
UNIVERSITY

J. L. WHITE  
ATTORNEY-AT-LAW  
TELEPHONE 74-W  
XMAS  
DECATURVILLE, TENNESSEE  
Decaturville,

MRS  
(Jenn)

Aug 22, 1936.

Mr. Smith,

Nashville, Tenn.

Dear Sir:-

**IN RE D C CROWDER and the DECATURVILLE COLORED SCHOOL BUILDING.**

You remember that I in company with the County Supt and Members of the Board of Education, and Mr Tahnar of the Department of Education, called upon you some three weeks ago and discussed this matter with you, and sought certain information from you.

This negro has now filed his bill, and I am enclosing you a copy of the same, also a copy of his deed.

Now as you all have funds in this building, and have supplied it with equipment etc, and made many valuable contributions to this School, thought that you might desire to help defend this suit, and be made parties thereto.

I shall be glad to hear from you or your Attorney and know what position you all desire to take if any in this matter.

I have got to answer the bill, or demurer to it one on or before the 1st Monday in Sept.

Thanking you for any information or advise you may see fir to give, I am,

Yours truly,

*J. L. White*



NPS (Tenn)

September 1, 1936

Dear Mr. White:      You will find attached copy of a letter  
I have written to County Superintendent  
Houston in answer to your letter to which was attached a  
copy of the bill filed in Chancery Court. Doubtless you  
will not need more than this information in order to show  
that the buildings were erected for public school property,  
but if you do we shall gladly furnish you photostat copies  
of applications and inspection reports. I am sure that the  
State Department of Education would also furnish you photostat  
copies of detailed application, signed by the county superin-  
tendent, stating that the land was deeded in fee simple to  
the County Board of Education.

Sincerely yours,

SLS:MT

Mr. J. L. White  
Decaturville, Tennessee

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MS (Jenn)

Levi Young & John White For and in consideration  
To Deed of the sum of One Hundred  
Trustees for Decaturville colored Sixty five Dollars in  
School hand paid, the receipt

of which is hereby acknowledged, WE, Levi Young and  
John White, have this day bargained and sold and by

These Presents do hereby transfer and convey unto  
the said Will Scott, Lee Welch, John Dixon, Carr Harbor  
and Bert Wallace as Trustees for the Decaturville  
Colored school, Their Successors and assigns a certain  
tract ~~six~~ or parcel of land being situated in the 4<sup>th</sup>  
Civil district of Decatur County, Tenn., and bounded  
as follows to Wit:

One tract beginning on the N. E. corner of The  
Marth G risseno land Runs Thence ~~west~~ North 14 poles  
to J. P. Houston S. B. L. to a stake; Thence west 18  
poles with the said Houston S. B. L. to a stake; Thence  
black gum pointers, Thence South 20 poles to a rock  
it being the N.E. Corner of a tract of land in the  
Name of Elijah Stout; Thence East 12 poles to a rock  
Thence North 6 poles to a stake thence East 6 poles to  
the beginning containing some 2 $\frac{1}{4}$  acres.

One other tract in the same County and district  
beginning at the N.E.C. of the Marth G risseno land  
runs thence South 6 poles to a stake; Thence west 2  
poles to a rock; Thence South 8 poles to the road  
Running from W.F. Pratts Ginn to the colored grove  
yard; Thence East 2 $\frac{1}{2}$  poles with said road to a stake;  
Thence North 14 poles to a stake thence west 2 $\frac{1}{2}$  poles  
to the beginning.

One other Track in the same district and County  
aforesaid beginning at the N. E. Corner of the Marth  
Grisseno land thence South 6 poles to a stake; Thence  
west 2 poles; Thence South 8 poles to the road leading  
to the colored Grove yard; Thence west with said Road  
6 poles to a stake, thence in a North Eastern direction  
10 poles more or less to a rock The South east Corner of

tract No 1, Thence North with tract No 1, 6 poles to a stake  
Thence East with tract No 1, 6 poles to the beginning the three  
tracts all beginning at the same corner and being joined  
together in one tract or body contains four acres be the  
same More or less.

To have and hold the said three tracts or parcels of  
land together with all the appurtenance, estate, title  
and interest hereto belonging to the aforesaid Trustees for  
the Colored School of Decaturville Tennessee as aforesaid Will  
Scott, Lee Welch, John Dixon, Carr Yarbrow and Bert Wallace,  
trustees their successors and assigns for ever, We do covenant  
with the said Will Scott, Lee Welch, John Dixon, Carr Yarbrow  
and Bert Wallace that we are lawfully seized and possessed of said  
land in fee simple have a good right to convey it and that  
thesame is unincumbered.

We do further covenant and bind ourselves, our heirs and  
Representatives to warrant and forever defend the title to  
said land to the said Will Scott, Lee Welch, John Dixon, Carr  
Yarbrow and Bert Wallace, Their Successors and assigns against  
the lawful claims of all persons whomsoever Witness hands  
This July 8<sup>th</sup> 1924 . Levi Young  
John White  
Daisy White

State of Tennessee  
Decatur County

Personally appeared before me E.C. Kennedy

a Notary Public in and for said County and State aforesaid  
to me within named Levi Young a widower and John White the  
bargainor with whom I am personally acquainted and who  
acknowledged that they executed the within Instrument for  
the purpose therein contained and Daisy White wife of the said  
John White having appeared before me privately and apart from  
her said husband, the said Daisy White acknowledged the execution of  
The within instrument to have been done by her freely voluntarily  
and understandingly without compulsion or constraint from her said  
husband and for the purposes therein contained.

Witness my hand and official Seal at Office in Decaturville Tennessee

This July 8<sup>th</sup> 1924. E.C. Kennedy, Jr Notary Public

State of Tennessee  
Decatur County

Register Office July 10 1924 I Mrs.

Mattie Tate Register for said county certify that the foregoing  
Deed and certificate are recorded in said office in book No 31

Page 168 were received July 9 1924 at 9\_30 A. M.

~~ENTXERE~~ entered in note book f page 183 .

Mrs. Mattie Tate, Reg.  
by Maude Dunivant D. pty.

*MS (Linn)*

IN THE CHANCERY COURT OF DECATUR COUNTY, TENNESSEE.

D.C.CROWDER, a resident citizen of  
Decatur County, Tennessee, complainant.

vs.

1. George Brooks, an individual resident  
citizen of Decatur County, Tennessee.

No. \_\_\_\_\_

Members of the County Board of Education, to wit:

2. John S. Pratt, Scotts Hill

3. O.L. Duncan, Decaturville

4. B.B. Keeton, Bath Springs

5. Will Smith, Decaturville

6. Walter Mills, Parsons

7. Jasper Quinn, Parsons and W.B. Townsend

8. Kennie Houston, County Superintendent

9. The County of Decatur

10. Will Scott, Decaturville

11. Lee Welsh, Decaturville. All defendants  
being resident citizens of Decatur County,  
Tennessee.

To the Honorable Tom C. Rye, Chancellor, holding the  
Chancery Court at Decaturville for Decatur County, Tennessee,  
Complainant would respectfully show to the court.

I

That in the year 1924 he came to the town of Decaturville  
and found it to be a good location for the development of an  
agricultural and industrial school for negroes, patterned on  
a small scale after the negro school at Tuskegee, Alabama.  
He was intimately acquainted with the founder of the Tuskegee  
institution, Booker T. Washington, and with other members of  
his faculty and conceived the idea of establishing a similar  
school at Decaturville.

At that time there was located at Decaturville a kind of  
schoolhouse for negroes consisting of a very dilapidated building



unfavorably located and of a very inconsequential value.

Complainant selected the location at a place just outside of the town limits of Decaturville and on property which is now bounded by Highway 69 on the east, and on the south by residential property, which complainant later acquired for his residence, and on the west by Highway 400, and on the north by property which once belonged to J.P. Houston, and also touching the property which was once owned by R. Smith as a gin site. The property he acquired had for some time been held by certain negroes, to wit: Elijah Stout, Martha Grissom, Levi Young, Arlist Young, and John White. Complainant bought and paid for it the total sum of \$325.00. One of the deeds complainant had made out to Will Scott, Lee Welsh, John Dixon, Carr Yarbrow, and Bert Wallace, as trustees. This deed executed by Levi Young, John White, and Daisy White on July 8, 1924, is recorded in the Register's Office of Decatur County, Tennessee, in Book 31, page 168, and a certified copy of same will be filed on or before the hearing and the same made a part of this bill. Reference is made to same for a description of the property.

Complainant paid the entire consideration for this property, and the said trustees in the deed took and held the title for him. All the trustees are now deceased except Will Scott and Lee Welsh.

Complainant acquired title to some other small tracts, the Elijah Stout tract and the Martha Grissom tract, but he fears that the deeds have been lost, probably in the Court-house fire. However, the property is well known in its present outlines, and complainant has been in possession of said property, in full control thereof, and in adverse and continuous and uninterrupted possession from the year 1924 until the summer of 1934, a period of more than nine years. On this

property he constructed four buildings, to wit: a main building at a cost of \$3,000.00, and second, an agricultural building at a cost of \$1,200.00, and third, a teacher's home at a cost of \$1,400.00, and a Home Economics building at a cost of \$1,280.00. These buildings were constructed through the efforts and with the funds of the complainant. Except as follows: He, through his own efforts and by his own persistence, took up with the secretary of the Julius Rosenwald Fund for Colored Education in the South the matter of assisting complainant in building up of his institution and was able to secure from the Fund the sum of \$1,200.00 which went into the construction under the sole direction of the complainant. In this way, the complainant had acquired and built from the very ground up a very desirable plant or set of buildings for educational work among negroes and successfully built the institution both from the standpoint of its physical plant and the interest in the negro patrons thereof until he had an institution of which the entire neighborhood was justly proud.

Complainant gives a full meed of praise for the co-operation, sympathy and understanding of the good white people of Decaturville and Decatur County that were quick to see and realize the advantages of this work, and the County Board of Education, through its Chairman, Secretary, and its members, proposed to and did co-operate fully with him in this way. Theretofore a negro school had been half-heartedly run in a dilapidated building. The Board of Education proposed to complainant that if he would take over the running of the public school in connection with his own school, that he would be permitted to have charge of the public features of the school, and his teachers would be paid from the public funds, which else would have gone to the sorry negro school in the dilapidated building. This arrangement was perfectly satisfactory to all parties, and

it was followed throughout the years until a new membership composed the Board, and a Pharaoh arose in Egypt who knew not Joseph.

Complainant secured from Nashville a teacher in the person of George Brooks who had specialized in the teaching of agriculture, and installed him as such teacher in complainant's school, permitting him to use the teachers' home as his residence so that in the year 1934 George Brooks was living in the teachers' home in this way. At the meeting of the School Board in 1934, George Brooks was elected as principal of the negro public school of Decaturville, and from this, erroneously assumed that he was in full charge of the entire institution that belonged to complainant. He continued to use all the buildings and to use the home and has done so for the past two years. The County of Decatur, acting through its County Board of Education, has treated the institution and the grounds and plant that belonged to complainant as if they were merely one of the public schools and has deprived complainant of possession and use of his property for the past two years. But for their use of this property, the County Board of Education and Decatur County would have had to rent or construct their own school building. As it is, they have got the benefit of the buildings of the complainant.

During these two years, complainant has suffered the loss of his property. Complainant was extremely loath to bring about any kind of disturbance in negro school matters. This accounts in large measure for his not asserting his rights at once.

Complainant regrets very much the necessity of bringing this suit. He had hoped that a solution would have been reached without its necessity, for he is sincerely ambitious of promoting the interest of his institution. His own home adjoining the institution, and it consists of a considerable acreage of

ground which would prove very suitable for use in connection with agricultural education. He believes that he has an ideal set-up for a school, and it is for this reason that he continued to hope that the present County Board of Education would again see fit to co-operate with him. Now he must realize that they propose, in effect, to literally strip him and deprive him of a valuable property on the mere theory that they have control over a negro public school. They seem unable to grasp the true situation, which is that at Decaturville, the County Board of Education has, in fact, no building for a negro public school and has, for the past several years, been provided with a ten thousand dollar plant and has been saved the expense of providing their own building. The Board of Education and the County of Decatur has no title whatever to this property and no rights thereto, and the sole rights therein are in the complainant, and he has been unlawfully and unwarrantedly deprived of the possession thereof from the summer of 1934 through the present, and he will sue for the possession of this property and for its reasonable rental value.

Premises considered, complainant prays

I

That process issue and be served on the defendants requiring them and each of them to appear and answer this bill, but not on oath, as the oath is waived.

II

That complainant recover possession of the property and be put in immediate possession thereof by order of this court, and that he recover from the defendants the full, fair, and reasonable rental value thereof from July 1934,

until the date they surrender possession. That the court compel by the proper process the issuance by the County Board and Superintendent of Education of a warrant for the payment of any sum decreed herein.

That complainant have all other relief, general and particular, as shown by the hearing he may appear entitled.

III

Complainant demands a jury to try the issues in this case.

MRS (Tenn)

D. C. Crowder versus George Brooks et al. Docket No. 1518 Decatur County Chancery.

The deposition of Mr. S. L. Smith taken in his office on this the tenth day of November 1936, by agreement of parties. The deposition is taken before Miss Elizabeth McBerry, Notary Public of Davidson County, Tennessee, and taken in shorthand by Mrs. Marian Tippit. Present: Honorable Henry Fisher, Solicitor for the complainant, and E. C. Kennedy, Solicitor for the defendants. All formalities as to captions, etc. are waived as well as certificates. It is further agreed that the stenographer, Mrs. Tippit, will transcribe the testimony and either deliver the same to the Solicitor or mail the same to Mrs. Nellie Donovan, Clerk and Master at Decaturville, Decatur County, Tennessee. The first witness after being duly sworn deposes as follows:

- 1. You will please state your name, place of residence and profession or occupation.
  - A. S. L. Smith, residence 1218 17th Avenue South, Nashville, Tennessee, Director of the Nashville Office of the Julius Rosenwald Fund.
- 2. How long have you occupied this position?
  - A. Since June 10, 1920.
- 3. At any time in 1924 did your office make any contribution to a colored school building located in Decaturville, Decatur County, Tennessee?
  - A. Yes, we aided on a three-teacher school building.
- 4. Does your record give the date that application was filed with this office?
  - A. August 1924 the application was received.
- 5. Under your system or organization from whom do these applications come?
  - A. They come through the state departments of education to us.
- 6. Do you or not have certain blanks upon which these applications are filed?
  - A. We have regular blanks.
- 7. Do you have in your files the original applications as filed?
  - A. We do.



8. This original blank I presume is a permanent record in your office and cannot be let out?
- A. They are originals and a copy is usually on file in the state department of education.
9. Will you have prepared photostat copies of the original blank and file as Exhibit A?
- A. I will.
10. Does or not the original application show the contemplated cost of the building as well as indicate or show the sources from which the funds for the building is to be furnished or raised?
- A. It does.
11. After this application blank is received, who if anyone has the right or power to approve the same?
- A. I have.
12. Now after the application blanks are received and approved what is the next procedure?
- A. They are authorized to go ahead with plans and complete the building, and when it is completed they file an inspection report showing that the building has been completed according to the plans and again list the contributions which may be a little more or a little less. This inspection report is signed and comes through the state department of education, and if it is approved we O. K. it and issue check in payment of the Fund's obligation to the state department of education.
13. In relation to the Decaturville School was the inspection report filed with you and approved?
- A. Yes.
14. Will you have prepared a photostat copy of this inspection report and file as Exhibit B?
- A. I will.
15. I see listed about midway of the page certain items and figures, the first one being \$1,600. Will you state what that is or what that represents?
- A. It represents \$1,600 contributed by the Negroes.
16. Exception by W. H. Fisher: "The record speaks for itself."
16. How much did the Julius Rosenwald Fund supply for the erection of this three-teacher school?
- A. \$900.00 for the first building.

17. What are the requirements by the Julius Rosenwald Fund before they will appropriate funds for a school building of this character?
- A. The first requirement has always been that the land be deeded to the public school authorities, and second that the building be erected on the plan approved by the state department of education and the Julius Rosenwald Fund and completed in accordance with the plan.
18. Does or not the Julius Rosenwald Fund erect an entire building or does there have to be other revenue?
- A. We pay only a part of it, The average over the years has been about 16 per cent. In this case it was more than 16 per cent. At that time we were giving \$900.00 toward the total cost of a three-teacher school, including the land and equipment.
19. Is or not the Julius Rosenwald Fund permitted at any time to use or divert Rosenwald funds for the erection of a private owned or private claimed school building?
- A. Not in the case of the public school building program.
20. Now was another application later filed for another building erected at the colored school at Decaturville?
- A. Application was filed September 28, 1925 for aid of \$900.00 toward a teachers home.
21. Does or not this application show what school, if any, this teachers home was to be connected with?
- A. The Decaturville School.
22. Was or not certain aid granted by that application by the Julius Rosenwald Fund?
- A. Yes \$900.00.
23. On what date?
- A. September 28, 1925.
24. Does or not that application show to whom the land upon which that building was to be erected was deeded?
- Exception by W. H. Fisher: "The record will speak for itself."
- A. In the application for a teachers home which is built as a part of the public school plant we do not repeat that the land is to be deeded to the public school authorities, but this is specified in the regulations furnished school officials as a basis for filing application.
25. How much land does it say?
- A. Seven acres of land.

26. Could or not or would or not the Julius Rosenwald Fund have contributed any amount to building a private home on this property or a home of the proprietor of a school other than operated by the county school authorities.
- A. No we werē not permitted to under our regulations.
27. Was the final inspection report of this project filed with your office later?
- A. It was filed at the same time the application was filed, September 28, 1925.
28. Will you have prepared photostat copies of both the application and the inspection blanks filed as Exhibit C?
- A. I will.
29. Mr. Smith, you spoke of copies of your rules and regulations which were mailed to the state departments of education. Do you have any in your office?
- A. Yes.
30. Will you procure a copy of these regulations and have same filed as Exhibit D?
- A. I will.
31. Was there or not at a later date another application filed with your department for further aid to the Decatur County Training School?
- A. There was an application filed for a two-room shop, as an addition to the Decatur County Training School. This was approved on May 10, 1927 for \$400.00 aid by the Julius Rosenwald Fund.
32. Was this application approved.
- A. It was approved on May 10, 1927.
33. How much if anything did the Julius Rosenwald Fund donate to this project?
- A. \$400.00.
34. Was this check passed through the state department of education?
- A. It was issued to the state department of education.
35. Could or not under the rules and regulations of your organizations this money have been applied to to this school as a private institution?
- A. It could not under our regulations.

36. Will you also have a photostat copy of both this application and inspection report prepared and filed as Exhibit E?
- A. I will.
37. Was there or not yet another application filed for aid through the Julius Rosenwald Fund on about October, 1929?
- A. On October 18, 1929 there was another application for a two-room addition to the Decatur County Training School and the inspection report approved October 22, 1929 for \$300.00, and check issued to the state department of education.
38. Could this appropriation have been made for the purpose of erecting a building of this character on private owned property?
- A. It could not under our regulations.
39. Will you have prepared photostat copies of both this application and inspection report and file as Exhibit F.
- A. I will.
40. After the completion of these buildings by aid of the Julius Rosenwald Fund does the foundation have any further connection with the buildings.
- A. We do not as they are owned and controlled by the public school authorities just as other public schools.
41. Then your aid is purely and truly a philanthropic gift?
- A. Yes.
42. For what race of people is this Fund?
- A. In the school building program for the Negroes.
43. After the completion of these buildings was or is not this office furnished with pictures of these buildings?
- A. We have kodak pictures of the buildings submitted by the State Agent.
44. Were pictures furnished you by the State Agent for these various buildings?
- A. Yes.
45. Will you procure and file as Exhibit G. pictures of these various buildings to which your institution has contributed funds in connection with the Decatur County Training School?
- A. I will.



46. You spoke of the State Agent who made the final inspection of the buildings, furnishing these pictures. What place in the educational system is that agent connected with?
- A. He is in charge of the state department of education's program of education for Negroes and at that time looked after the building of Negro schools to which our Fund gave aid. All applications were signed by the State Agent and by the state superintendent or commissioner of education.
47. Under the rules and regulations are you permitted to appropriate any funds from the Julius Rosenwald Fund until after the final inspection report has been filed with your department signed by both the state superintendent of public instruction and the State Agent of Negro Schools.
- A. On all the schools we have built the applications and inspection reports have been signed by the State Agent and State Superintendent of Public Instruction.
48. About how many school buildings in the South has the Julius Rosenwald Fund helped to build?
- A.  
A. 5, 357 in fifteen southern states.
49. Out of this 5,000 odd Negro school buildings have or not any of them been private owned or private operated institutions?
- A. This number I have mentioned - 5,357 - have been public schools.
50. For what purpose was the Julius Rosenwald Fund grant specifically made to the Decatur County Training School?
- A. For aid toward building and equipping the Negro public school buildings at Decaturville.
51. I believe these funds were originally funds appropriated by Julius Rosenwald.
- A. The Julius Rosenwald Fund was endowed or incorporated in October, 1927 by Julius Rosenwald under the laws of Illinois for the well-being of mankind.
52. Have you at any time discussed this school or this plant with the then principal D. C. Crowder, complainant?
- A. A number of times.
53. Have you or not also visited this plant?
- A. Yes I have been there more than once.
54. In these personal conversations or visits to this institution has Professor Crowder intimated that it was a private owned institution?

A. No.

55. I will ask you if he did or not represent to you or indicate that it was county owned property.

A. Yes. That was the way it was represented to me.

56. Cross examination by W. H. Fisher:

1. What kind of an institution is the Julius Rosenwald Fund?

A. A philanthropic organization.

2. Organized in what way?

A. Organized or incorporated under the laws of Illinois.

3. It is then an Illinois organization with its charter specifying its power and purposes.

A. Yes.

4. You in your position are not the determining factor in the disbursement of funds are you?

A. Only those that are allotted for distribution under my direction for specific purposes by the Board of Trustees.

5. The purposes and powers of the corporation would be better known and shown by its charter than by any other way would it not?

A. Only in a general way, but specific appropriations are made by the Board of Trustees for various purposes, stating the conditions in each case.

6. The Board of Trustees expresses its actions in resolutions I take it?

A. Yes.

7. Such resolutions would be the best evidence of the purposes of this foundation would it not?

A. The resolutions appropriating money frequently are authorizations to the officers or executive committee who allocate to specific projects.

8. Who actually issues the checks?

A. At the present time checks are signed by the Comptroller and the President of the Fund. When we were engaged in the building program the checks were at first signed by the Treasurer of the Fund, made payable to the State Department of Education and sent through the Southern Office, but later on in the program they were signed by me as Director of the Southern Office and countersigned by the Comptroller in the Southern Office.

9. The Julius Rosenwald Fund and its officers make no effort to acquire title to any real estate or property?
- A. We do not.
10. Were the several exhibits representing application and inspection reports made by you?
- A. The blank forms were made by this office, furnished to the state departments of education who filled in and signed the blanks or reports and returned them to this office in duplicate.
11. I am not interested in the blank forms but the executed forms representing informative matter.
- A. The information on these forms was made out by the state department of education officials.
12. Do you have anything to do with the gathering of the information?
- A. No. We trust this to the state departments of education.
13. Do you personally know truth or error stated in these reports?
- A. No, only in so far as we have faith in the accuracy in the state department of education.
14. For instance, in the first application for the three-teacher building where it is stated that the property is deeded to the county board of education, this report dated August 1, 1924, do you know whether that is true?
- A. Not from my own personal knowledge, but I saw a report made out to the state department of education which, I think, gave the registration number of the deed.
15. You could in no way vouch for the correctness of these statements?
- A. I believe them but could not personally vouch for their accuracy.
16. Do you now know that the statement in the first application is in error?
- A. I do not.
17. Do you know who paid for this real estate?
- A. I do not.
18. Do you know whether it was paid for?
- A. I only know that they claimed to have the deed made out to the public school authorities.

19. The question of the deed had best be left to the courts rather than to these records?

A. I suppose that should be left with the courts.

20. Your title.

A. Director for the Southern Office of the Julius Rosenwald Fund at present. At the time these buildings were erected I was general field agent.

21. And that is for the southern states in which you have erected over 5,000 buildings, and for that reason you could not know all the facts about the buildings?

A. We had to take the word of the state departments of education.

22. The Julius Rosenwald Fund is meant to be a philanthropic organization and to foster a certain type of education rather than to direct it?

A. It is.

23. Such institution is not necessarily as exacting about titles and rights as would be an institution out for profit or for protection of its property rather than the distribution of funds?

A. I couldn't say that is true. Wherever we have given aid for the erection of public schools for Negroes it has been a definite requirement that the property be deeded to the public school authorities.

24. You required no abstract of title?

A. We left that to the county and state educational officials.

25. A strictly business corporation would hardly do that would they Mr. Smith, for instance the L. and N. Railroad?

A. I can't say. Our aid is a gift to the public school authorities on condition that the land is deeded to the public school authorities. We had to trust them.

26. Would you authorize an appropriation if found to be a private owned school?

A. We have given special grants to private owned colleges through an order of the Board of Trustees, but in our public school building program of the South through this office the buildings aided are all public property.

27. Do you ever survey the lands upon which these buildings were erected?

A. No.

28. You spoke of your understanding that the property was in the public. That was your honest impression was it?

A. Yes., based on the reports of the state and county officials.

29. Is that on what it is based?
- A. Yes.
30. If they had made a mistake in their reports to you would your institution have any way of reclaiming its funds, or desire to do?
- A. I do not recall that we have had a case of this kind to go before us.
31. When your funds are once given you have no desire or purpose to reclaim them?
- A. That is true.
32. If they were given on a mistake would that be true, nevertheless?
- A. We would expect the officials to make the necessary correction.
33. Would your institution be in position to accept a refund of the donation if it appeared that some individual contributed far more than your institution if put on an accounting basis?
- A. That matter would be left to the public school authorities as our gift was given toward the construction of a public building.
34. You have no designs to deprive an individual of his rights?
- A. We do not deal with individual, only with officials in these school buildings.
35. You say you have seen the buildings at this school?
- A. I have seen two or three of them.
36. Now to sum up the purposes, plans and powers of the Julius Rosenwald Fund which are set forth in a charter, that would be the best evidence of such. Is that correct?
- A. The charter gives the Board of Trustees certain powers and the operation is under a board of trustees, executive committee and officers that handle the funds.
37. The charter is in writing?
- A. It is on record.
38. The action of the Board of Trustees is also a record?
- A. Yes.
39. The purposes of this institution are directed from the charter and the Board of Trustees?
- A. Yes and the officers who are given certain duties and authorities. In the South I have been in charge of erecting public schools. Our budget is appropriated annually by the Board of Trustees.

40. This Board of Trustees set forth the purposes in which you are to work?

A. Yes generally set forth, but might be a little different from year to year.

41. Now the Exhibit G you file is the printed sheet printed by you?

A. Yes, with the approval of the Julius Rosenwald Fund Board of Trustees.

42. Examination by Mr. Kennedy:

1. Mr. Smith is the plan for distribution of aid for building rural school-houses year beginning July 1, 1925 and ending June 30, 1926, one of the original sheets, which you testified on direct examination, furnished to all the superintendents of public instruction or state commissioners of education, county superintendents, etc., giving directions as to how Rosenwald funds were to be distributed?

A. Yes.

2. Now do these change from year to year?

A. There might be changes from year to year in which case the State Agents and Superintendents were notified.

3. Will you procure, if possible, one of these sheets for each year beginning July 1, 1924 and extending to 1930, which covers the buildings in question and file them as exhibits.

A. I will.

4. On cross-examination, I believe you said that the Board of Trustees for the Julius Rosenwald Fund allocated these funds for specific purposes did you not?

A. Yes.

5. Now while these funds were being given to aid Negro schools of the South, who handled these allocations and budgets after the same were made up by the Board of Trustees.

A. In this office, through me as director.

6. After these allocations were made and budgets set up, did or not the Board of Trustees have any further to do with the expenditure of these funds.

A. I was authorized to go ahead under the general plan set forth and at the end of the year an auditor audited these funds to see that they were distributed as appropriated.

7. Did the Board of Trustees have anything to do with the distribution of these funds other than to have them audited at the end of the year.

- A. They gave me authority to go ahead with the program. I filed with them reports on every building, together with reports showing how the funds were distributed.
8. I see these application blanks were signed by P. L. Harned as well as the inspection blank. Now who was P. L. Harned?
- A. P. L. Harned was Commissioner of Education to whom the checks were sent to pay the Fund's obligation for Negro schools.
9. Is he living or dead?
- A. He is now living in Nashville.
10. They are also signed by Mr. Bernard. What connection did he have with these buildings?
- A. Mr. Bernard was State Agent of Negro Schools in the State Department of Education and promoted the school building program for Negroes, but had no authority to sign checks which was left to the Commissioner of Education.
11. Was or not Mr. Bernard really the field man for Negro schools?
- A. He was.
12. Is he living?
- A. He is dead.

Re-Cross Examination by Mr. Fisher:

1. You spoke of having examined the deed in connection with these matters. Do you have the deed?
- A. I think I said I did not examine the deed but recalled seeing a report from the State Department of Education giving the number of the deed.
2. Do you recall the number?
- A. I do not. You can get this from the State Department of Education.