

CIVIL DISTRICT COURT FOR THE PARISH OF ORLEANS

STATE OF LOUISIANA

NUMBER:

DIVISION: “ ”

PARMA MATTHIS HOWARD and JANE MATTHIS SMITH

VERSUS

ADMINISTRATORS OF THE TULANE EDUCATIONAL FUND

FILED: _____

DEPUTY CLERK

PETITION FOR PRELIMINARY INJUNCTION,
PERMANENT INJUNCTION, AND DECLARATORY JUDGMENT

Plaintiffs, Parma Matthis Howard and Jane Matthis Smith (“Newcomb Heirs”), through their undersigned counsel, allege as follows:

I.

Made defendant herein are the Administrators of the Tulane Educational Fund (“Tulane Board”), a non-profit organization incorporated under the laws of Louisiana and doing business in Louisiana under the name of Tulane University in New Orleans, Louisiana.

II.

As evidenced by the affidavits attached hereto as Exhibit A, Plaintiffs are collateral heirs of Josephine Louise LeMonnier Newcomb (“Mrs. Newcomb”), who at the time of her death was a domiciliary of the State of Louisiana and whose last will and testament was probated in this Court on April 8, 1901 (*Succession of Josephine Louise LeMonnier Newcomb*, No. 6469).

III.

Mrs. Newcomb made several donations, *inter vivos* and *mortis causa*, to Tulane University for the clear and explicit purpose of creating and maintaining a separate degree-granting college to benefit and educate young women.

IV.

By letter of donation to the Tulane Board dated October 11, 1886, Mrs. Newcomb gave money to the Tulane Board for the clear and explicit purpose of establishing a separate college for women in honor of her deceased daughter, H. Sophie Newcomb; the letter states in pertinent part:

In pursuance of a long cherished design to establish an appropriate memorial to my beloved daughter, H. Sophie Newcomb, deceased, I have determined ... to entrust to your Board the execution of my design.

Feeling a deep personal sympathy with the people of New Orleans, and a strong desire to advance the cause of female education in Louisiana, and a strong desire to advance the cause of female education in Louisiana ..., I hereby donate to your Board the sum of one hundred thousand dollars, to be used in establishing the **H. Sophie Newcomb Memorial College, in the Tulane University of Louisiana, for the higher education of ... girls and young women.**

See Exhibit B (Underlined emphasis in original; bold emphasis added).

V.

Mrs. Newcomb's transmittal letter to the Tulane Board repeated her intentions and made it clear that her donation was for the explicit purpose of establishing and maintaining H. Sophie Newcomb Memorial Newcomb College as a separate entity for the education of women; she stated to the Tulane Board and to Col. Wm. Preston Johnston, the president of Tulane at the time, in relevant part:

In accordance with the enclosed letter of donation, to the Administrators of the Tulane Educational Fund, which please forward to them, and for the purpose of fully carrying out my wishes, as herein expressed. I now enclose you my check ... for the sum of One Hundred Thousand dollars (\$100,000) and which amount is to be applied by the same mentioned President and Administrators, **for establishing, and maintaining The H. Sophie Newcomb Memorial College,** in the Tulane University of Louisiana, for the higher education of ... Girls and young ... women.

See Exhibit C at 3-4 (Underlined emphasis in original; bold emphasis added).

VI.

At the regular monthly meeting of the Tulane Board on November 9, 1886, the Tulane Board accepted Mrs. Newcomb's donations AND the restrictions thereto; the two aforementioned letters from Mrs. Newcomb were written into the minutes. Resolutions accepting the gift and agreeing to the terms and conditions attached to the gift were also written into the minutes. The resolutions state:

Resolved, that the Administrators of the Tulane Educational Fund accept the gift of One Hundred Thousand Dollars (\$100,000) made to them by Mrs. Josephine Louise Newcomb for the purpose of establishing the H. Sophie Newcomb Memorial College in the Tulane University, for the higher education of ... girls and young women.

Be it further resolved that the gift is accepted under the terms and conditions expressed in the letter of Mrs. Josephine Louise Newcomb, addressed to the Administrators of the Tulane Educational Fund on the Eleventh of October, Eighteen Hundred and Eighty-Six.

Be it further resolved, that not only the foregoing letter of Mrs. Josephine Louise Newcomb, but also the letter by her addressed to Colonel Wm Preston Johnston of the Eleventh of October, Eighteen hundred and Eighty-Six, be read in the minutes of the Board and the originals be preserved among its archives.

Be it further resolved, that the Administrators of the Tulane Educational Fund will carry out with fidelity and to the best of their ability the wishes and plans of the donor of this sacred and magnificent gift.

Be it further resolved, that this Board accepts the gift not only with a profound sense of gratitude to Mrs. Newcomb, but also with deep conviction as to the wisdom and utility of the good work founded by her. That in undertaking the high duties which the donation imposes, the members of this Board trust that with the aid of Divine Providence they will be able to perform them as to fully realize the noble purposes of Mrs. Newcomb—the opening to young women of a higher sphere of culture and usefulness in life.

See Exhibit C at 4-5 (Underlined emphasis in original; bold emphasis added).

VII.

The resolutions were adopted by motion, duly made, and seconded, to confirm and ratify them. Thus, the Tulane Board accepted Mrs. Newcomb's donation, subject to the terms and conditions of the aforementioned letters of Mrs. Newcomb.

VIII.

The Tulane Board clearly understood Mrs. Newcomb's donation interest as further evidenced by Tulane President Johnston's report at the end of H. Sophie Newcomb Memorial College's first year of operation:

It is the aim of this college to offer to the young women of Louisiana and the adjoining states a liberal education, similar to that now given to young men by Tulane University, and to the young women also by other institutions of the first rank in distant parts of the United States.

Dyer, John P., *Tulane: The Biography of a University 1834-1865* at 59 (Harper & Row, 1st Ed. 1966).

IX.

Mrs. Newcomb included the Tulane Board in her last will and testament. Under the terms of her will, the bequest to the Administrators was given with the understanding that the \$2,000,000, her entire fortune, would be dedicated to the maintenance and continuation of H. Sophie Newcomb Memorial College, a separate and coordinate college in Tulane University, for the education and benefit of young women. She wrote:

FIRST: I have resided of late years in different places but I have made the City of New Orleans my permanent home, because I here witness and enjoy the growth of "H. Sophie Newcomb Memorial College," a Department of the Tulane University of Louisiana, which I have founded, and has been named in honor of the memory of my beloved daughter.

I have implicit confidence that the "Administrators of the Tulane Educational Fund" will continue to use and apply the benefactions and property, I have bestowed and may give, for the present and future development of this Department of the University known as the H. Sophie Newcomb Memorial College which engrosses my thoughts and purposes, and is endeared to me by such hallowed associations.

See Exhibit D.

X.

Thereafter, the Tulane Board understood that the sole purpose of the funds given and left by Mrs. Newcomb was for a women's memorial college. On May 16, 1910, Mr. Robert M. Walmsley, President of the Tulane Board, cautioned the Board that certain revenue allotments were violative of Mrs. Newcomb's donor intent; he wrote:

[Mrs. Newcomb's] sole object was to create a memorial for women, in which post-graduate work can be done, and that no portion of the revenues of this fund should be used for the education of women beyond the portals of this women's memorial college, to and within which college should be confined the entire educational outlay.

See Exhibit E.

XI.

The Tulane Board continues to be bound by the terms and conditions of Mrs. Newcomb's donations, *inter vivos* and *mortis causa*, to this day. Nothing has occurred that would render a literal compliance with Mrs. Newcomb's restrictions on her donation impractical, impossible or illegal.

XII.

Mrs. Newcomb's donations between 1886 and 1901, when she died, were made with expectation that the Tulane Board would continue H. Sophie Newcomb Memorial College as a separate entity within Tulane University.

XIII.

Since November 9, 1886, and for more than one hundred and nineteen years, the Tulane Board has operated H. Sophie Newcomb Memorial College, this nation's first degree-granting college for women within a university in the United States.

XIV.

Notwithstanding Josephine Louise Newcomb's clear and explicit intent and the Tulane Board's more than 119-year satisfaction of the restrictions of her donations, the Tulane Board voted to close H. Sophie Newcomb Memorial College on June 30, 2006, and to divert funding dedicated to support of H. Sophie Newcomb Memorial College.

XV.

The Tulane Board did not follow the provisions of La. R.S. 9:2331 *et seq* in choosing to ignore Mrs. Newcomb's clear donative intent and the restrictions imposed by Mrs. Newcomb upon the funds that she donated for the establishment and maintenance of H. Sophie Newcomb Memorial College.

XVI.

The Tulane Board has breached its fiduciary duty as stewards of Mrs. Newcomb's donations and has acted without regard to the law.

XVII.

If the actions of the Tulane Board are allowed to proceed, H. Sophie Newcomb Memorial College will close forever. This constitutes irreparable harm for which monetary damages are an inadequate remedy.

PRELIMINARY INJUNCTION

The Newcomb Heirs are entitled to preliminary injunction enjoining and prohibiting the Tulane Board from abolishing H. Sophie Newcomb Memorial College.

PERMANENT INJUNCTION

The Newcomb Heirs are entitled to permanent injunction enjoining and prohibiting the Tulane Board from abolishing H. Sophie Newcomb Memorial College.

DECLARATORY JUDGMENT

The Newcomb Heirs are entitled to a declaratory judgment determining that the Tulane Board's actions violate the terms and conditions of Mrs. Newcomb's donations, *inter vivos* and *mortis causa* to the Tulane Board, that the continuance of H. Sophie Newcomb Memorial College is not impractical, impossible or illegal and that H. Sophie Newcomb Memorial College must continue as a degree-granting college within Tulane University.

WHEREFORE, the Newcomb Heirs pray:

1. That the defendant be duly served in order to show cause on a day and hour to be fixed by this Court, why preliminary injunction enjoining and prohibiting the Tulane Board from abolishing H. Sophie Newcomb Memorial College should not be issued;
2. That after due proceedings had there be judgment in favor of plaintiffs and against the defendant perpetuating the said preliminary writ of injunction and making it permanent in the form and substance described herein above;
3. That the defendant show cause why declaratory judgment should not be issued in favor of the Newcomb Heirs and determining that determining that the Tulane Board's actions violate the terms and conditions of Mrs. Newcomb's donations, *inter vivos* and *mortis causa* to the Tulane Board, that the continuance of H. Sophie Newcomb Memorial College is not impractical, impossible or illegal and that H. Sophie Newcomb Memorial College must continue as a degree-granting college within Tulane University; and,
4. For all general and equitable relief to which the Newcomb Heirs may be entitled.

Respectfully submitted,



Daniel J. Caruso (Bar No. 3941)
John F. Shreves (Bar No. 17139)
Shawn L. Holahan (Bar No. 17621)
SIMON, PERAGINE, SMITH & REDFEARN, LLP
1100 Poydras Street, 30th Floor
New Orleans, Louisiana 70163
Telephone: (504)569-2030

Counsel for Parma Matthis Howard and Jane Matthis
Smith

**PLEASE SERVE PETITION AND ATTACHED
FIRST SET OF INTERROGATORIES AND
REQUEST FOR PRODUCTION OF DOCUMENTS TO:**

The Administrators of the Tulane Educational Fund,
through their registered agent for service of process,
Victoria D. Johnson
300 Gibson Hall
6823 St. Charles Ave.
New Orleans, La. 70118

CIVIL DISTRICT COURT FOR THE PARISH OF ORLEANS
STATE OF LOUISIANA

NUMBER:

DIVISION: " "

PARMA MATTHIS HOWARD and JANE MATTHIS SMITH

VERSUS

BOARD OF ADMINISTRATORS FOR TULANE EDUCATIONAL FUND

FILED: _____

DEPUTY CLERK

VERIFICATION

STATE OF SC

COUNTY OF Charleston

BEFORE ME, the undersigned Notary, personally came and appeared Parma Matthis and Jane Smith, petitioners in the foregoing Petition who, being first duly sworn by me, and who did then depose and say that they have read the foregoing Petition, and that all of the facts and allegations contained in it are true and correct to the best of their knowledge, information and belief.

PARMA MATTHIS

Jane Smith

JANE SMITH

SWORN TO AND SUBSCRIBED
BEFORE ME THIS 12 DAY
OF MAY, 2006.

Timothy Linden Carroll

NOTARY PUBLIC
Timothy Linden Carroll



CIVIL DISTRICT COURT FOR THE PARISH OF ORLEANS
STATE OF LOUISIANA

NUMBER: _____ DIVISION: **

PARMA MATTHIS HOWARD and JANE MATTHIS SMITH

VERSUS

BOARD OF ADMINISTRATORS FOR TULANE EDUCATIONAL FUND

FILED: _____
DEPUTY CLERK

VERIFICATION

STATE OF NC
COUNTY OF Pitt

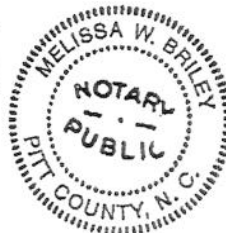
BEFORE ME, the undersigned Notary, personally came and appeared Parma Matthis and Jane Smith, petitioners in the foregoing Petition who, being first duly sworn by me, and who did then depose and say that they have read the foregoing Petition, and that all of the facts and allegations contained in it are true and correct to the best of their knowledge, information and belief.

Parma Matthis Howard
PARMA MATTHIS HOWARD

JANE SMITH

SWORN TO AND SUBSCRIBED
BEFORE ME THIS 12 DAY
OF MAY, 2006.

Melissa W. Briley
NOTARY PUBLIC
Melissa W. Briley
4/20/09



STATE OF NORTH CAROLINA

COUNTY OF

BEFORE ME, the undersigned Notary Public in and for the aforesaid county and state, did personally come and appear:

PARMA MATTHIS HOWARD

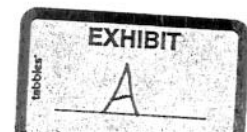
a person of the full age of majority who did depose and say that:

She is a direct descendant of Eleanor Ann LeMonnier Henderson who was the sister of Josephine Louise LeMonnier Newcomb, the founder of Newcomb College. Her lineage is as follows:

Eleanor Ann LeMonnier was the wife of William Henderson. Of that marriage four children were born, one of whom was Warren Newcomb Henderson. Warren Newcomb Henderson married Elizabeth "Lillie" Bell Miller in Louisville, Kentucky. Of that marriage, three children were born, including a daughter named Marguerite Miller Henderson. Marguerite Miller Henderson married Elliott Kaye Pennebaker. Of that marriage two children were born, one of whom was Jane Grainger Pennebaker. Jane Grainger Pennebaker married Joseph Wilgus Naugher from whom she was later divorced. Of that marriage, two children were born, namely Jane Wilgus Naugher and Susan Parma Naugher. Jane Grainger Pennebaker later married George Matthis who raised, but did not adopt her children. They did take his last name and have continued to use it as their maiden name. All of the above listed persons are now deceased with the exception of Jane Wilgus (Naugher) Matthis and Susan Parma (Naugher) Matthis who is the affiant herein. Jane Matthis is now Jane Matthis Smith. Susan Parma Matthis, affiant, now uses the name Parma Matthis Howard.

She has been aware for most of her life of her connection to Mrs. Newcomb. She also believes that she and her sister are the only descendants living of Warren Newcomb Henderson in their generation and that none are living of the generation before them.

She has also been aware that Newcomb College was founded by Josephine Louise LeMonnier Newcomb as a memorial to her daughter H. Sophie Newcomb as a college for women within Tulane University. She and her family have been proud of this fact and are supportive of the intent of Mrs. Newcomb in donating the money to found and continue the operation of the college in her daughter's memory.



Thus, she desires to file suit against the Administrators of the Tulane Educational Fund to compel them to continue to operate H. Sophie Newcomb College as a college for women within Tulane University.

Parma Matthis Howard
PARMA MATTHIS HOWARD

SWORN TO AND SUBSCRIBED
BEFORE ME THIS 12 DAY
OF MAY, 2006.

Melissa W. Briley
Name: Melissa W. Briley
NOTARY PUBLIC
My commission expires: 4/20/09

(Seal)



STATE OF SOUTH CAROLINA

COUNTY OF Richland

BEFORE ME, the undersigned Notary Public in and for the aforesaid county and state, did personally come and appear:

JANE MATTHIS SMITH

a person of the full age of majority who did depose and say that:

She is a direct descendant of Eleanor Ann LeMonnier Henderson who was the sister of Josephine Louise LeMonnier Newcomb, the founder of Newcomb College. Her lineage is as follows:

Eleanor Ann LeMonnier was the wife of William Henderson. Of that marriage four children were born, one of whom was Warren Newcomb Henderson. Warren Newcomb Henderson married Elizabeth "Lillie" Bell Miller in Louisville, Kentucky. Of that marriage, three children were born, including a daughter named Marguerite Miller Henderson. Marguerite Miller Henderson married Elliott Kaye Pennebaker. Of that marriage two children were born, one of whom was Jane Grainger Pennebaker. Jane Grainger Pennebaker married Joseph Wilgus Naugher from whom she was later divorced. Of that marriage, two children were born, namely Jane Wilgus Naugher and Susan Parma Naugher. Jane Grainger Pennebaker later married George Matthis who raised, but did not adopt her children. They did take his last name and have continued to use it as their maiden name. All of the above listed persons are now deceased with the exception of Jane Wilgus (Naugher) Matthis and Susan Parma (Naugher) Matthis who is the affiant herein. Jane Matthis is now Jane Matthis Smith. Susan Parma Matthis, affiant, now uses the name Parma Matthis Howard.

She has been aware for most of her life of her connection to Mrs. Newcomb. She also believes that she and her sister are the only descendants living of Warren Newcomb Henderson in their generation and that none are living of the generation before them.

She has also been aware that Newcomb College was founded by Josephine Louise LeMonnier Newcomb as a memorial to her daughter H. Sophie Newcomb as a college for women within Tulane University. She and her family have been proud of this fact and are supportive of the intent of Mrs. Newcomb in donating the money to found and continue the operation of the college in her daughter's memory.

Thus, she desires to file suit against the Administrators of the Tulane Educational Fund to compel them to continue to operate H. Sophie Newcomb College as a college for women within Tulane University.

Jane Matthis Smith
JANE MATTHIS SMITH

SWORN TO AND SUBSCRIBED
BEFORE ME THIS 12 DAY
OF MAY, 2006.

TC
Name: Timothy Carroll
NOTARY PUBLIC
My commission expires: My Commission Expires June 7, 2014

(Seal)



Oct 11, 1953.

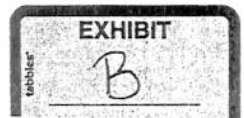
MANUSCRIPTS SECTION
HOWARD-TILTON MEMORIAL LIBRARY
TULANE UNIVERSITY

New York City Oct 11/53

Messrs Randall S. Gibson, Charles C. Fenner,
James M. Cornell, J. D. Richardson, Edward D. White,
Edgar H. Farrar, J. N. Strong, Benjamin W.
Palmer, Samuel H. Kennedy, Walter R. Stauffer,
Cartwright Custis, Henry Ginder, John T. Hardie,
Robert W. Walmsley, William F. Nalsey, John W.
Galleher, Joseph C. Morris, Samuel D. McCreary,
Warren D. Easton and J. V. Guillotte, The Adminis-
trators of the Tulane Educational Fund.

Gentlemen,

In pursuance of a long cherished
design to establish an appropriate memorial of my beloved
daughter N. Sophie Newcomb, deceased, I have determined,
at the instance of my friend, Colonel William Preston
Johnston, to entrust to your Board the execution of my
design.



Feeling a deep personal sympathy with the people of New Orleans, and a strong desire to advance the cause of female education in Louisiana, and believing also that I shall find in the Board selected by the benevolent Paul Tulane, the wisest and safest custodian of the fund. I propose to give, I hereby donate to your Board the sum of One hundred thousand dollars, to be used in establishing the N. Sophie Newcomb Memorial College, in the Tulane University of Louisiana for the higher education of white girls and young women.

I request that you will see that the tendency of the institution shall be in harmony with the fundamental principles of the Christian religion, and to that end that you will have a chapel or assembly room in which Christian worship may be observed daily for the benefit of the students. But I desire that the worship and instruction shall not be of a sectarian or denominational character. I further request that the education given shall look to the practical side of life, as well as to literary excellence. But I do not mean in this my act of donation to impose upon you restrictions which will allow the intervention of any person or persons to control, regulate or interfere with your disposition of this fund, which is committed fully and solely to your care and discretion with entire confidence in your fidelity and wisdom.

In trusting the favor of Divine Providence for your guidance in the administration of this fund, and for your personal welfare,

I am very respectfully

Your obedient servant,

John C. ...

MANUSCRIPTS SECTION
HOWARD-TILTON MEMORIAL LIBRARY
TULANE UNIVERSITY

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BOARD OF
ADMINISTRATORS
OF THE
MEMORIAL COLLEGE
FUND

Heard as to fully realize the noble purpose of "Mrs
Harrison's" the opening to young women of a
higher sphere of culture and usefulness in life.
Be it further resolved, that the President of
the Board, the Honorable P. L. Gibson Esq.
requested to transmit to Mrs Harrison, a copy of
these resolutions.

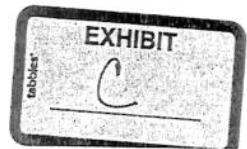
The Finance
Committee was authorized to invest the funds of
Cash and Harrison's Dollars received from Mrs
Harrison, and President Johnson was directed
to formulate a plan for the St. Stephen's Memorial
College, and to report the same
at the next meeting.

Then the meeting adjourned
Judge Wade acting as secretary.

Minutes No. 1
1881-1887

New Orleans Nov 7th 1886
The regular monthly meeting was held
this evening at 7:40 P.M.
President Marshall L. Gibson presiding -
present Messrs Foxworth, McConally, Strong, Haudie,
Richardson, Gendler, Williams, Standfer
Minutes of the meeting of June 5th were read &
approved.

The following preamble and resolutions
were offered by Justice Foxworth
There was an informal meeting of the Board held on
the 15th October 1886, at which a quorum was not
present by reason of absence of members from the
City. The following communications were presented



and best respecting institutions were added

New York City Oct 11/62

High Randall, L. Gibson, Charles E. Stewart, James
McConnell, J. D. Richardson, Edward D. White, Eugene
H. Barnet, F. H. Strong, Benjamin M. Palmer, James
H. Kennedy, Halber R. Stauffer, Catherine L. Lister,
Henry J. Foster, John J. Hardie, Robert W. Malone,
William B. Holley, John W. Sallaber, Joseph C.
Morris, Samuel D. M. Long, Warren Easton, and
J. V. Gilliffe, The Administrators of the Tulane
Educators' Fund

Gentlemen

In pursuance of a long cherished
design to establish an appropriate memorial of
my beloved daughter, St. Sophie Newcomb de-
ceased, I have determined at the instance of my
friend Colonel M. Preston Johnson, to entrust to your
Board the execution of my design.

Feeling a deep personal sympathy with the
people of New Orleans, and wishing to advance
the cause of female education in Louisiana, and
believing also that I shall find in the Board selected
by the General Paul Sabine, the wisest and safest
custodians of the fund I propose to give, I hereby de-
clare to your Board the sum of One hundred thousand
dollars, to be used in establishing the St. Sophie
Newcomb Memorial College, in the Tulane University
of Louisiana for the higher education of white
girls and young women.

I request that you will see that the end and
of the institution shall be in harmony with the
fundamental principles of the Christian religion.

and to that end, that you will have a Chapel or assembly room in which Christian worship may be observed daily for the benefit of the students. But I desire that the trustees shall not be of a sectarian or denominational character.

I further request that the Educational fund shall look to the practical side of life, as well as to literary Education. But I do not mean in this act of donation to impose upon you restrictions which will allow the intervention of any person or persons to control, regulate, or interfere with your disposition of this fund, which is committed fully and solely to your care and discretion with entire confidence in your fidelity and wisdom.

Trusting that favor of Divine Providence for your guidance in the administration of this fund, and for your personal welfare,

I am very Respectfully
Your obedient Servant
Joseph Louis Newton

12 West 33rd Street
New York October 11, 1876

Col. Wm. Frederick Johnson
Dear Col.

I am acquainted with the excellent letters of donations to the Administrators of the Tulane Educational Fund, which have found their way to the purpose of fully compensating my work, as herein expressed. I have enclosed your my checks to the order of Geo. Randall Johnson, President, on the Board of Tulane Fund, Company of this City, for the sum of One Hundred Dollars.

dollars (\$100,000), and which amount is to be applied by the same mentioned President, and Administrators, for establishing and maintaining "The St. Sophie Nevecomb Memorial College" in the Tulane University of Louisiana, for the higher education of White girls, and young White Women.

I sincerely trust this Institution may bear honor and a credit to the memory of my dear Child, and a blessing to all who may enjoy or participate in its Educational advantages.

Dear Col. do please to remember my warmest regards of you - which all is completed, this gift is to remain a secret as to the donor.

Wishing you every success in the carrying out of this Charity, and believing that you fully understand my wishes and desires in regard to the same.

I am sincerely your friend
J. L. Nevecomb

Resolved; that the Administrators of the Tulane Educational Fund, accept the gift of One hundred Thousand Dollars (\$100,000) made to them, by Mrs. Josephine Louis Nevecomb for the purpose of establishing the St. Sophie Nevecomb Memorial College in the Tulane University of Louisiana, for the higher education of White young girls and young women.

Be it further resolved that the gift is accepted under the terms and conditions expressed in the letter of Mrs. Josephine Louis Nevecomb, addressed to the Administrators of the Tulane Educational Fund, on the Eleventh of October, eighteen hundred & eighty six.

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It is further resolved, that not only the foregoing
letter of Mrs. Josephine Lewis Mearns, but also the
letter of the undersigned to Colonel Stephen Johnston
of the Executive of O. C. O. C. Eighteen Hundred and Eighty
six, be printed on the minutes of the Board and the
originals be preserved among its archives.

It is further resolved, that the Administrators
of the Federal Educational Fund, will carry out with
fidelity and to the best of their ability the wishes
and plans of the donor of this sum, and transmit gifts

It is further resolved, that this Board accepts
the gift not only with a profound sense of gratitude
to Mrs. Mearns, but also with deep conviction as to
the wisdom and ability of the good work, founded
by her. That in undertaking the high duties
which the donation imposes, the members of the Board
trust that with the aid of Divine Providence they will
be able to perform them as to fully realize the
noble purposes of Mrs. Mearns - the inspiring
to young men of a higher sphere of culture and
usefulness in life.

It is further resolved, that the President
of the Board, the Honorable J. L. Gibson be
requested to transmit to Mrs. Mearns, a copy
of these resolutions.

Yale University
New Haven, Ct. Oct. 15-1886.

Mrs. Josephine Lewis Mearns
New York City

Dear Madam

I have the honor to acknowledge the receipt of your letter of October 15th.

to the Administrators of the Tulane Educational Fund
 With your letter was also received a check for
 One Hundred Thousand (\$100,000) Dollars, given by
 you to be used in the Tulane University, The
 Sophie Newcomb Memorial College for the
 Higher Education of White girls and young women.

At a meeting of the Administrators of the
 Tulane Educational Fund, this day held, resolutions
 accepting your magnificent gift were adopted, a copy
 of which resolutions is herewith sent you.

Uniting our aspirations with your own for
 the guidance of the Administrators by the Providence
 of God, in the performance of their duty under
 the great trust confided by you to them, and praying
 that your days may be long there to witness the
 fruits of your undertaking.

I am, with great respect,

Your most obedient servant
 Rankin Lee Gibson
 President of the Administrators
 of the Tulane Educational Fund

Here contains Judge Thomas resolutions
 sent to them as it is desirable that this action should be
 confirmed and ratified by a regular meeting of the Board
 with a full quorum present.

It is resolved that the proceedings above referred to
 be now fully confirmed & ratified & said resolutions be
 now again adopted & the whole spread upon the
 minutes of the Board.

The resolutions were read on the 2d by J. W. Canth
 and adopted

April 8, 1901

(Signed) T. G. W. Ellis

Judge

New Orleans May 17th 1898

Aware as I am, of the uncertainty of life, I, Josephine Louise Newcomb widow of Warren Newcomb do make this my last will and Testament.

First: I have resided of late years in different places, but have made the City of New Orleans my permanent home, because I here witness and enjoy the growth of the "St. Sophie Newcomb Memorial College" a Department of the Tulane University of Louisiana which I have founded and has been named in honor of the memory of my beloved daughter



"Administrators of the Tulane Educational Fund" will continue to use and apply the beneficiary and property, I have bestowed and may give, for the present and future development of this Department of the University known as the St. Sophie Howard Memorial College which engrosses my thoughts and purposes, and is endeared to me by well followed associations.

Second: I have no forced heirs, I have no debts and I hereby revoke all wills of a date anterior to this.

I hereby make the following special legacies and bequests.

To the Greenwood Cemetery a corporation organized and existing under and by virtue of Chapter 298 of the laws of the State of New York passed in 1888 the sum of two thousand (\$2,000) Dollars for the care of lots numbered 17,036 and 17,037, and it is my desire, that at my death, my remains may be placed with the loved ones there at rest.

To Alice Bowman of New Orleans Louisiana Five Thousand (\$5,000) Dollars.

To William Robertson of Charleston South Carolina One Thousand (\$1,000) Dollars.

Third: With the exception of the special legacies and bequests herein above stated and made, I hereby give and bequeath to the "Administrators of the Tulane Educational Fund" of New Orleans the whole of the property, real, personal and mixed, of which I am now possessed or which I may leave at the time of my death, and to that end and purpose I do hereby name and constitute the said "Administrators of the Tulane Educational Fund" to be my universal legatee.

I appoint my cousin and friend Joseph A. Hinchey and my friend B. V. B. Dixon to be Executors giving them seisin and detainers of my estate and requiring no bond from them.

Thus wholly have I written dated and signed this my last will and testament at

New Orleans Louisiana this 12th day
May 1898
(Signed) Josephine Louis Mucoub
ne varietur
Apr 8, 1901
(Signed) P. G. W. Ellis
Judge

ORIGINAL ADMITTED TO PROBATE *April 16 1901*
A TRUE COPY

CLERK OF THE SURROGATE'S COURT
CERTIFIED *W. G. W. Ellis*

In a Surrogate Court, held
in and for the County of
New York, at the County
Court House in the City
of New York on the 16th
day of April, 1901

Present

Howland Thomas
Surrogate

In the Matter of the Estate
— of —
Josephine L. Newcomb
Deceased.

An exemplified copy of the
will of Josephine L. Newcomb, deceased, late
of the City of New Orleans, State of Louisiana,
and of the order of the Civil District Court
for the Parish of Orleans, State of Louisiana,
entered the 8th day of April, 1901, duly
admitting the same to probate and of
the Lata Testamentary issued thereon
to Joseph A. Hincks and Brandt V. B.
Nixon, the Executors named in said
will having been filed in this Court
on the 15th day of April, 1901; and the
said Joseph A. Hincks and Brandt V.
B. Nixon having therewith presented to
and filed in this Court their duly verified
petition praying for a decree awarding

to the Ancillary Letters Testamentary on said will of said Josephine L. Newcomb, deceased, and it appearing to the Surrogate that the said deceased died leaving personal property within the County and State of New York, and it also appearing to the satisfaction of the Surrogate that there are no creditors or persons claiming to be creditors of the said deceased, within the County and State of New York.

And the Deputy Comptroller of the State of New York having duly waived the issuance and service of a citation and having duly consented that said Ancillary Letters Testamentary issue.

Now on reading the said petition and the papers annexed thereto and Wilmer & Canfield appearing for the petitioners in and

Now on motion of Wilmer & Canfield, attorneys for said Joseph A. Hincks and Brandt V. B. Dixon, the petitioners herein, it is

Ordered, Adjudged and Decreed that an exemplified copy of the will of said deceased be recorded in the office of the Surrogate of the County of New York, and that Ancillary Letters Testamentary on said will issue to the said Joseph A. Hincks and Brandt V. B. Dixon without bonds upon their taking and subscribing the statutory oath.

Abner G. Thomas
Surrogate

ORIGINAL FILED
A TRUE COPY
CLERK OF THE SURROGATE'S COURT
CERTIFIED
June 16, 1906

Copy of monthly meeting of Board May 15 1910 (Cont'd.)

Thus wholly have I written, dated and signed this my last will and testament at New Orleans Louisiana this 12th day of May 1898.

(Signed) JOSEPHINE LOUISE NEWCOMB

Ne Varietur

Apl. 8 1901

(Signed) T. C. W. ELLIS
Judge.

New Orleans, May 16th, 1910.

(Addressed: Members Board)

Dear Sir:-

It has been the policy of this Board in its administration of the Newcomb Fund, to use allotments of the revenues of this fund in the proportionate support of the following departments of Tulane University of Louisiana, other than Newcomb College, to-wit:-

Post-Graduate Department,
College of Education,
Summer School.

These allotments of the Newcomb Fund, being based on the theory that as women were students in and beneficiaries of these designated departments, it was proper to use portions of the Newcomb Fund Revenues for these purposes, provided the proportion of expenses was fairly and properly adjusted.

It has been further suggested that this use of the revenues of the Newcomb Fund is violative of the intentions of the donor, whose sole object was to create a memorial for women, in which post-graduate work can be done; and that no portion of the revenues of this fund should be used for the education of women beyond the portals of this women's memorial college, to and within which college should be confined the entire educational outlay. A copy of Mrs. Newcomb's will is enclosed. It is necessary that the Board should adopt a fundamental policy on the subject of the use of the revenues of this fund. As it frequently happens, that the personnel of the board at meetings changes from time to time, due to the absence of members, it is desired to obtain an expression of opinion from each individual member, so that the Board collectively may be guided by this data as a whole, and the policy to be adjusted may be considered fixed. You are therefore requested to advise the secretary immediately in writing of your individual views on this subject, so that the Board may meet and finally adopt its policy.

Yours truly,
R. M. WALKSLEY
President.

Dr. Warner presented a petition from the Newcomb Alumnae Association, submitting a plan for an advisory committee of that association to confer with this Board, which plan was drawn up by them, in accordance with a resolution passed by the Tulane Education Committee.

