

Reply Exhibit N

IN THE SUPREME COURT OF THE
STATE OF FLORIDA

L1138

THE STATE OF FLORIDA, ex rel,
VIRGIL D. HAWKINS,
Plaintiff,

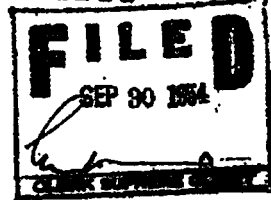
-vs-

THE BOARD OF CONTROL OF
FLORIDA, a body corporate
under the laws of the State
of Florida, J. LEE BALLARD,
HOLLIS RINSHART, GEORGE W. ENGLISH, JR.,
W. GLENN MILLER, MRS. JESSIE BALL DUPONT,
WILLIAM H. DIAL and FRED H. KENT as mem-
bers of the Board of Control of the State
of Florida; JOHN ALLEN, as Acting President
of the University of Florida, and R. S.
JOHNSON, as Registrar of the University of
Florida,

Respondents.

CERTIFICATE OF SERVICE
I do hereby certify that cop'ys hereof have been
furnished by (mail) delivery this 29th day of
September 1954 to Richard
D. Shuman and Frank J. Smith
Attorneys
General, 207 E. Hill

M A N D A M U S



AMENDED

PETITION FOR ALTERNATIVE WRIT

TO THE HONORABLE JUDGES OF THE ABOVE STYLED COURT:

Your petitioner, Virgil D. Hawkins, respectfully presents unto the
Court:

-1-

That your petitioner is a citizen of Alachua County, Florida; that
the respondent, the Board of Control of Florida, is a body corporate created
by the laws of the State of Florida and its principal office and place of
business is in Tallahassee, Leon County, Florida; that the respondent, J. Lee
Ballard, is a citizen and resident of Pinellas County, Florida, and is the
duly appointed, qualified and acting member and chairman of said Board of Con-
trol; that the respondent, Hollis Rinshart, is a citizen and resident of Dade
County, Florida, and is the duly appointed, qualified and acting member of said
Board of Control; that the respondent, George W. English, is a citizen and re-
sident of Palm Beach County, Florida, and is a duly appointed, qualified and
acting member of said Board of Control; that the respondent, W. Glenn Miller,
is a citizen and resident of Jefferson County, Florida, and is a duly appoint-

ed, qualified and acting member of said Board of Control; that the respondent, Mr. Jessie Ball duPont, is a citizen and resident of Duval County, Florida, and is a duly appointed, qualified and acting member of said Board of Control; that the respondent, William H. Dial, is a citizen and resident of Orange County, Florida, and is a duly appointed, qualified and acting member of said Board of Control; that the respondent, Fred H. Kent, is a citizen and resident of Duval County, Florida, and is a duly appointed, qualified and acting member of said Board of Control; that the respondent, John Allen, is a citizen and resident of Alachua County, Florida, and is the duly appointed and acting president of said University of Florida; that the respondent, R. S. Johnson, is a citizen and resident of Alachua County, Florida, and is the duly appointed and qualified registrar of said University of Florida.

-2-

That the petitioner desires to study law in the College of Law of the University of Florida which is supported and maintained by the taxpayers of the State of Florida for the purpose of preparing himself to practice law in the State of Florida and for public service therein and has been arbitrarily refused admission.

-3-

That the petitioner has an AB degree from Lincoln University, Pennsylvania.

-4-

That on or about the 4th day of April, A. D., 1949 your petitioner, duly applied for admission to the first year class of the College of Law of the University of Florida for attendance at the coming summer session and that since said application the relator reapplied for admission requesting that said reapplication be considered a continuing one until he succeeded in gaining admission.

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That contrary to the usual and customary procedure, the respondent, R. S. Johnson, forwarded petitioner's application to the respondent, the Board of Control and thereafter, to-wit: the 13th day of May, A. D., 1949, your petitioner, by and through his attorney, did appear before said Board of Control at a regular meeting of said Board of Control in Tallahassee, Leon County, Florida, for a hearing upon his application for admission. That at said hearing the respondents,

and/or their predecessors in office did deny the application of your petitioner and did refuse to grant him admission into the first year class of the College Law at the University of Florida, and did then and there announce that said application was denied^{ed} solely because of certain provisions of the Constitution and Statues of the State of Florida which deny the right of your petitioner admission to the said University solely because of your petitioner's race and color, thus denying unto your petitioner the equal protection of laws solely on the ground of his race and color, contrary to the Constitution of the United States.

-6-

That in addition to the College of Law of the University of Florida the board of Control by legislative authority and from public funds has established, supported and maintained the Florida Agricultural and Mechanical College of Law specifically for Negroes only; that the College of Law of the University of Florida admits only members of the White race. That by the Florida State Board of Control has segregated the White and Negro races in the field of education in law.

-7-

That the respondent, John Allen, acting president of the University of Florida and R. S. Johnson as registrar have refused to admit your petitioner to the University of Florida solely because of race and color but have offered admittance to the Florida Agricultural and Mechanical College of Law solely on the basis of his race and color. That the arbitrary and illegal refusal and offer of admittance to the respective colleges by the respondents are in violation of the equal protection of the laws guaranteed by the Constitution of the State of Florida and of the United States in light of the decision handed down on May 17, 1954 by the Supreme Court of the United States in Brown vs. The Board of Education, et al. That the separate educational facilities hereinbefore alleged are inherently unequal. That by virtue of the segregation complained herein your petitioner has been deprived of the equal protection of the laws guaranteed under and by virtue of the 14th amend of the Constitution.

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The petitioner further shows that he has no speedy, adequate remedy at law and that unless a Writ of Mandamus is issued he will be denied

the right and privilege of pursuing the course of instruction in the school of law hereinabove set out.

Your petitioner further shows unto this Court that the question involved in this proceeding is a special and peculiar question of law, an early decision of which, will avoid litigation in other cases which will be controlled by force of the decision of this case, that the respondents herein are a State Board, State Offices, and other agencies, authorized to represent the public generally and that this is a case in which this Honorable Court should exercise its original jurisdiction.

WHEREFORE, your petitioner prays the issuance of an alternative writ commanding the respondents herein, within the time set by the Court, to admit your petitioner into the College of Law of said University of Florida or to show this Court for their refusal so to do.

Virgil D. Hawkins
Petitioner

Herace E. Hill
610 Second Avenue
Daytona Beach, Florida

Robert L. Carter
20 West 40th Street
New York, N. Y.

Attorneys for Petitioner

By: *Herace E. Hill*

STATE OF FLORIDA
COUNTY OF VOLUNTEER

Personally appeared before me the undersigned authority, duly authorized by law to administer oaths, Virgil D. Hawkins, who, after being duly sworn, deposes and says that he is the Petitioner in the above and foregoing Amended Petition for Alternative Writ of Mandamus and that he has read said Petition for Alternative Writ of Mandamus and the facts set forth therein are true and correct.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, at DAYTONA BEACH Florida, in said State and County aforesaid, this 29th day of September, A.D., 1954.

Sam W. Bittly, Jr.
Notary Public

Notary Public, State of Florida at large
My commission expires April 22, 1957.
Bonded by American Surety Co. of N. Y.