

Reply Exhibit O

14

2nd opinion

STATE OF FLORIDA
COUNTY OF

AFFIDAVIT

Before me personally appeared Virgil D. Hawkins, the undersigned authority, who deposes and says that in the year 1949 he petitioned the Florida State Supreme Court for admission to the School of Law at the University of Florida; that since the Court's initial opinion rendered August 1, 1950, he has reapplied for admission 2 time 5 to me avail and in said reapplication he did ~~omit~~ request that the same be considered a continuing one until he succeeds in gaining admission to the said School at said University. The last application was made subsequent to April of 1952.

Virgil D. Hawkins
AFFIANT

Sworn to and subscribed before me
this 2d day of June, A. D. 1952

Edward A. Davis
NOTARY PUBLIC

Notary Public, State of Florida at large
My commission expires Oct. 24, 1955.
Bonded by American Surety Co. of N. Y.

CERTIFICATE OF SERVICE
I do hereby certify that cop. 4 thereof have been
furnished by (mail) (delivery) on the 5th day of
June 1952 to: Frank A. ...
... Assistant Attorney General
... Attorney

FILED
JUN 7 1952
[Signature]
CLERK SUPREME COURT

IN THE SUPREME COURT OF FLORIDA

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

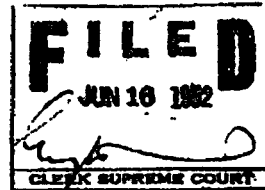
Relator,

-vs-

THE BOARD OF CONTROL OF
FLORIDA, et al,

Respondents.

*Present for filing
6-16-52*



A F F I D A V I T

STATE OF FLORIDA
COUNTY OF LEON

Personally appeared before me, the undersigned Notary Public, W. F. Powers, who, being by me first duly sworn, stated on oath: That he is Executive Secretary of the Board of Control, respondent in the above entitled cause, and as such is charged with the duty of executing, and of having the officers and employees of the State institutions of higher learning execute, resolutions, orders, directions and acts of the Board of Control and rules and regulations of the State institutions of higher learning.

That following this Court's opinion herein of August 1, 1950, the petitioner, Virgil D. Hawkins, on August 17, 1950, again requested admission to the University of Florida in its School of Law for the 1950-51 term. Thereupon, in compliance with the resolution of the Board of Control of December 21, 1949, (Exhibit A to the Answer of the Board of Control to the Alternative Writ of Mandamus herein) the appli-

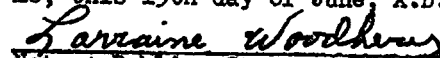
cation was promptly referred to the President of the Florida Agricultural and Mechanical College for Negroes in Tallahassee, Florida, who immediately acknowledged receipt of the application and requested the petitioner to complete and return an enclosed formal application blank such as is required of each applicant for admission to any State institution of higher learning, and which form is designed to supply information and data to enable the institution to determine all matters relating to the applicant's eligibility, scholastic background, courses required, financial arrangements, housing needs and the numerous other items of information customarily required by all colleges and universities. No applicant is admitted to any of the State institutions of higher learning until such application forms are completed and filed and the information therein contained considered by the institution. The petitioner refused to complete or return said form or to supply the data requested. At the same time, petitioner was requested to supply the usual transcript of his highschool or college work, but he failed to do so.

On March 29, 1952, the petitioner again requested admission to the University of Florida in its School of Law for the summer term, whereupon the request for admission was promptly transmitted to the President of the Florida Agricultural and Mechanical College for Negroes, at which institution the Board of Control had established and had, and now have, in operation, in pursuance of its said resolution of December 21, 1949, Schools of Law, Chemical Engineering, Mechanical Engineering, Agriculture and Pharmacy; and on April 15, 1952, the President of the said last named institution of higher learning again requested the petitioner to complete and return the formal application for admission containing the data and information described in the preceding paragraph. The petitioner again refused to complete and return said formal application or supply the information

therein requested, and petitioner has at no other time supplied such information and data. With his last request for admission the petitioner requested that his application be considered continuous for each succeeding term of the Law School.


W. F. Powers

Subscribed and sworn to before
me, this 13th day of June, A.D. 1952


Notary Public, State of Florida at Large
Large. My Commission Expires _____
Notary Public, State of Florida at Large
My commission expires Sept. 6, 1954.
Bonded by American Surety Co. of N. J.

SUPREME COURT OF
THE STATE OF FLORIDA

Virgil D. Hawkins and
Oliver Maxey

Relators

vs.

Objections to
Counter Affidavit

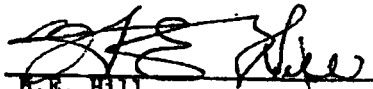
Board of Control et al.

Respondents

Come now Virgil D. Hawkins and Oliver Maxey by their attorney undersigned objecting to the counter affidavits offered herein on the following grounds, to wit:

1. That they are not in counter of any factual matter contained in the affidavits filed on behalf of the objecting parties herein.
2. That said counter affidavits were not seasonably filed before this honorable Court:
3. That said counter affidavits attempt to offer evidence through the medium of said counter affidavits that the schools herein to which admission has been requested are presently in actual operation which constitute direct evidence in an attempt to substantiate the answer and is not in counter of the affidavits filed herein.
4. That said counter affidavit is in violation of Rule 5 Supreme Court Rules of Practice.

Wherefore, Relators move that said affidavit be suppressed and stricken from the record on in the alternative that such portion or portions that are not in counter of the affidavits on file be stricken.


H.E. Hill
525 1/2 - Second Ave.
Daytona Beach, Florida



*Present for file
6/16/52*

*Grant Objections
S*

21,138

IN THE SUPREME COURT OF FLORIDA

JUNE TERM, A. D. 1952

MONDAY, JUNE 16, 1952

STATE EX REL VIRGIL D. HAWKINS **
and OLIVER R. MAXEY, **

Relators, **

-vs-

THE BOARD OF CONTROL OF FLORIDA, **
et al., **


Respondents. **

**

The objection of Relators to the counter-affidavit of W. F. Powers on behalf of Respondents this day filed, be and the same are hereby sustained and said counter-affidavit shall not be considered in the cause.

A True Copy

TEST:



Clerk Supreme Court.

IN THE SUPREME COURT OF FLORIDA

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

Relator,

vs.

CASE NO. 21,138

THE BOARD OF CONTROL, et al.,

Respondents.

A F F I D A V I T

STATE OF FLORIDA)
 : ss
COUNTY OF VOLUSIA)

PERSONALLY APPEARED before me the undersigned authority who deposes and says that his application and reapplication for admission to the school of Law of the University of Florida was made in good faith to study law; that his mandamus action against the Board of Control is an additional effort to gain admission after having been denied; that all of said effort were made in deep sincerity.

Virgil D. Hawkins (SEAL)

Subscribed and sworn to
before me this 22nd day
of February, A. D., 1957.

M. M. Rogues
NOTARY PUBLIC

FILED

FEB 25 1957

GUYTE P. MCCORD
CLERK SUPREME COURT

Edwin D. ...
DEPUTY CLERK