

THE UNIVERSITY OF CHICAGO

PHYSICS DEPARTMENT

RECEIVED  
MAY 17 1964  
FROM  
J. J. KOPPEL  
TO  
J. J. KOPPEL  
SUBJECT  
RESEARCH REPORT  
NO. 100

*J. J. Koppel*

STATE OF COLORADO, }  
COUNTY OF ALAMOSA. } SS.

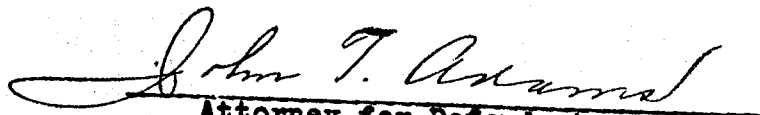
IN THE DISTRICT COURT.

Francisco Maestas etc.,  
Plaintiff,  
vs.  
George H. Shone, etc., et al.,  
Defendants.

MOTION.

Come now the defendants and each of them by their attorney John T. Adams and respectfully move the Court:

That execution in the above matter and peremptory writ of mandamus ordered and decreed by the Court be stayed for a period of thirty (30) days from the time of entry of such judgment, order or decree pending application by said defendants to the Supreme Court of the State of Colorado for a supersedeas as provided by law and particularly set forth in Section 6, Chapter 6, of the Session Laws of Colorado 1911.

  
Attorney for Defendants.

STATE OF COLORADO, }  
COUNTY OF ALAMOSA. }

SS.

IN THE DISTRICT COURT.

Francisco Maestas etc.,

Plaintiff,

vs.

George H. Shone, etc., et al.

Defendants.

NOTICE.

TO PLAINTIFF ABOVE NAMED AND RAYMOND S. SULLIVAN,  
HIS ATTORNEY:

You will please take notice that on Friday the  
27th day of March, 1914, at the hour of 10 o'clock A. M.  
in the District Court of Alamosa County, Colorado, or in  
Court Chambers at said place if the Court shall not be in  
open session, I shall call up for hearing and argument the  
defendants' motion for a stay of execution and peremptory  
writ of mandamus in this matter as more fully set forth in  
said motion, a copy of which is attached hereto and served  
herewith.

Dated At Alamosa, Colorado, this 23d day of March  
A. D. 1914.

*John T. Adams*  
Attorney for Defendants.

Service of a copy of the above notice, together with  
a copy of the motion therein referred to acknowledged and  
accepted at Denver, Colorado, this 24th day of March  
A. D. 1914.

*Raymond S. Sullivan*  
Attorney for Plaintiff.

STATE OF COLORADO,  
COUNTY OF ALAMOSA,

SS, IN THE DISTRICT COURT THEREOF.

Francisco Maestas, etc.,  
Plaintiff,

vs.

Geo. H. Shone, C. L. Lahrman, and  
Joseph H. Darling, as School Directors,  
and Geo. O. Thompson as Supt. of Schools,  
in School Dist. No. 3.

Defendants,

MOTION TO VACATE

JUDGMENT AND DECREE AND  
TO DISMISS ACTION

Come now the above named defendants, by their Attorney, and move the Court that the Judgment and Decree heretofore entered in this matter, ordering the issuance of a Peremptory Writ of Mandamus, may be vacated and set aside for the following reasons, to-wit:

1. That the plaintiff's Petition, or Amended Petition, does not state facts sufficient to constitute a cause of action against these defendants, or any of them;
2. That this Court is without jurisdiction over the subject matters in controversy herein, or any thereof;
3. That this Court erred in assuming jurisdiction over said subject matters, over the objections of these defendants;
4. That the findings of this Court are insufficient to support its Judgment and Decree, ordering the issuance of a Peremptory Mandamus in the premises;
5. That the Amended Petition shows upon its face that plaintiff is not entitled to the issuance of a Peremptory Writ of Mandamus;

6. That said Judgment and Decree is indefinite and uncertain, in that it fails to specify what Spanish speaking children in school district No. 3, in the County of Alamosa, and State of Colorado, other than one Miguel Maestas, in the opinion or judgment of the Court possess such knowledge of English or educational qualifications as to entitle them to attend the schools nearest their respective homes or places of residence, regardless of grades;

7. That the said Judgment and Decree deprive these defendants, and each of them, and the school authorities of the State of Colorado of their constitutional and statutory rights, without due process of law;

8. That the Amended Petition shows upon its face that the plaintiff has not employed any legal proceedings to obtain admission for his said child to the school alleged to be most convenient to him;

9. That plaintiff has a plain, speedy and adequate remedy in the ordinary course of law;

10. That it does not affirmatively appear upon the face of said petition that the plaintiff has appealed to the County Superintendent of Schools of Alamosa County, nor to the State Board of Education of the State of Colorado, as provided by law, or otherwise, from the alleged decision or order of the Board of Directors of School District No. 3 in Alamosa County, Colorado, either in matter of law or fact, within thirty days after the rendition of such alleged decision or order, or at all, or that plaintiff has sought or been denied any hearing before such County Superintendent, or State Board of Education;

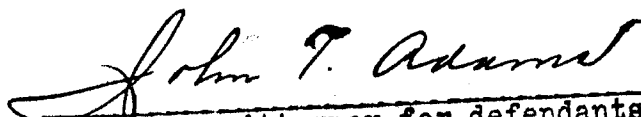
11. That said Judgment and Decree is contrary to law;

12. That said Judgment and Decree is contrary to the evidence in this cause;

13. That it appears upon the face of the Amended Petition that plaintiff claims relief for an alleged violation of a public right and not a private one, by reason whereof and of the other matters aforesaid, the Court erred in entering the Decree and ordering the issuance of a Peremptory Writ of Mandamus;

And for the reasons aforesaid, these defendants further move the Court that this action be dismissed at plaintiff's costs.

Respectfully submitted,

  
Attorney for defendants.

STATE OF COLORADO,)
COUNTY OF ALAMOSA,)

SS

IN THE DISTRICT COURT.

Francisco Maestas, etc.,

Plaintiff,

vs.

Geo. H. Shone, C. L. Lahrmann, and
Joseph H. Darling, as School Dir-
ectors, and Geo. O. Thompson as
Supt. of Schools, in School Dist.
No. 3.

Defendants.

ORDER.

At this day, this cause coming on to be heard
before the Court sua sponte, upon the motion of defendants
to vacate the Judgment and Decree heretofore entered herein,
and also to dismiss this action, and the Court being now suf-
ficiently advised in the premises doth deny the said motions
and each thereof.

Dated April 17, 1914.

By the Court:

Chas. Holbeck
Judge.

To which rulings of the Court and each thereof
the said defendants and each of them by their Counsel, John
T. Adams duly objected and excepted.

STATE OF COLORADO,  
COUNTY OF ALAMOSA,

SS.

IN THE DISTRICT COURT THEREOF.

Francisco Maestas, et al.  
Plaintiff,

vs.

Geo. H. Shone, C. L. Lahrman, and  
Joseph H. Darling, as School Dir-  
ectors, and Geo. O. Thompson as  
Supt. of Schools, in School Dist.  
No. 3.  
Defendants.

NOTICE OF ELECTION.

Come now the above named defendants by their  
Attorney and show to the Court;

That, heretofore, and on to-wit the 2nd day of  
April A. D. 1914, an order was duly entered herein allow-  
ing these defendants thirty days from the date of the entry  
of the Judgment and Decree herein, to-wit March 19th, A. D.  
1914, within which to elect what further action in this  
matter they desired to take.

That pursuant to said Order these defendants do  
hereby elect to appeal from the said Judgment and Decree of  
this Court, and do hereby give notice of their intention to  
sue out a Writ of Error to the Supreme Court of this State  
and to ask that the same be made a Supersedeas without bond  
according to law.

*John T. Adams*

Attorney for Defendants.



STATE OF COLORADO, )  
COUNTY OF ALAMOSA, )

SS: IN THE DISTRICT COURT.

Francisco Maestas, etc.

Plaintiff,

vs.

Geo. H. Shone, C. L. Lahrman and  
Joseph H. Darling, as School Dir-  
ectors, and Geo. O. Thompson as  
Supt. of Schools, in School Dist.  
No. 3.

Defendants.

O R D E R:

At this day come the defendants, Geo. H. Shone, C. L. Lahrman and Joseph H. Darling, as School Directors, and Geo. O. Thompson as Superintendent of Schools in School District No. 3, Alamosa County, Colorado, defending said action in their official capacity, as such Directors and Superintendent for the benefit of the public, said defendants appearing within the time allowed by the Court to elect as to their further course herein, and elect to sue out a Writ of Error to the Supreme Court of this State, and to ask that the same be made a Supersedeas, without bond.

WHEREFORE IT IS ORDERED, that the said defendants be allowed to prosecute said Writ of Error.

And time and until 60 days from this day is allowed said defendants within which to prepare and render to the Judge of this Court their bill of exceptions, by them reserved herein, and ninety days from this date to prepare a short transcript of the record herein.

Dated this 17th day of April, A. D. 1914.

By the Court:

*Charles H. Haddock*, Judge.

J. S. <sup>Martinez</sup> ~~Alvarez~~ et als. Defts

vs.

Geo. H. Shaw et als. Defts

A petition having been filed with the Court in this case, alleging that the Mexican children that have been refused admission to the nearest schools to their respective homes, are qualified to receive instruction in English and therefore should not have been refused the privilege of the schools nearest and most convenient to them and the undersigned judge having ordered another examination of them in the presence of said judge, and Juan Ortega and Juan Maestas, having appeared in the chambers of said judge for <sup>such</sup> examination, and it appear

Wing to said judge from said  
examination that said man  
Ortega is qualified to receive  
instruction in English  
without retarding the class  
it is hereby ordered that he  
be allowed the privilege of  
attending the school nearest  
his place of residence and  
it further appearing to said judge  
that said man Maestas should  
acquire a little better knowledge  
of the English language, both  
for his own good and for  
the progress of the class to  
which he would be assigned it  
ordered that he not be transferred  
until he can pass a better  
examination in English.

Done in Chambers at  
Alameda April 24, 1914.  
Depts. except. Chas. [Signature]

To which rulings of the Court, counsel for plaintiff  
duly objected and excepted, and counsel for plaintiff thereupon  
renewed his objections to the jurisdiction of the Court, and  
the objection that neither the petition or complaint, nor  
amended petition or complaint in this cause state facts suf-  
ficient to constitute a cause of action, which objections were  
over-ruled by the Court, and to which ruling counsel for plain-  
tiff then and there duly objected and excepted.

STATE OF COLORADO  
COUNTY OF ALAMOSA

SS. IN THE DISTRICT COURT.

FRANCISCO MAESTAS et-al.  
Plaintiffs.

vs.

GEORGE H. SHONE et-al.  
Defendants.

ORDER.

It appearing to the Court that J.B.WHITE was a witness in this case, and was in attendance for three days, and traveled one mile, and that Frank Gomez was a witness in said case and was in attendance three days as such and traveled one mile, and that in taxing the costs in said case the clerk by oversight, neglected to tax the said costs for said witnesses, and it further appearing that A.L.Studer was a witness on the trial of this cause and was in attendance two days on the trial of the cause, and in taxing the costs of the case he was allowed for one day only.

IT IS THEREFORE hereby ordered that the costs in this case be retaxed accordingly.

This July 16th, 1914.

*Chas C. Halbrook,*  
Judge.

STATE OF COLORADO, )  
COUNTY OF ALAMOSA, ) SS.

IN THE DISTRICT COURT.

FRANCISCO MAESTAS etc.,  
Plaintiff,  
vs.  
GEO. H. SHONE etc. et al.  
Defendants.)

O R D E R .

On this 13th day of June, 1914 upon the application  
of Counsel for defendants:

IT IS ORDERED:

That the defendants and their successors in office  
shall have an additional 60 days, from and after the date  
hereof, within which to tender their bill of exceptions, by  
them reserved herein, and it is further

ORDERED, that the time limit of 90 days for defend-  
ants to prepare a short transcript of the records herein is  
hereby rescinded to the end that the defendants <sup>or their successors in this</sup> shall have  
the right to sue out a Writ of Error in this matter at any  
time within the period limited by law.

Done in open court this 13th day of June, A.D. 1914.

BY THE COURT:

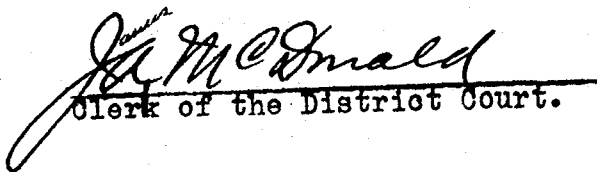
*Chas. H. Brooks,*  
Judge.

IN THE DISTRICT COURT  
OF THE TWELFTH JUDICIAL DISTRICT OF THE STATE OF COLORADO  
SITTING IN AND FOR ALAMOSA COUNTY,

FRANCISCO MAESTAS et-al. :  
Plaintiffs. :  
vs. :  
: CLERKS MOTION TO RETAX COSTS.  
GEORGE H. SHONE et-al. :  
Defendants. :

Comes now the undersigned James A. McDonald, Clerk of the above entitled Court, and respectfully shows that this cause has gone to judgment, and that the costs herein were taxed against defendants. That through oversight the following witnesses were underpaid or left out altogether. That A.L. Studer was a witness herein and entitled to fees for two days attendance, but was allowed for only one day. That J.B. White and Frank Gomez were Witnesses herein and each entitled to fees for three days attendance and to mileage of one mile each, but received no allowance whatever.

Wherefore said Clerk moves that said Studer be allowed five dollars instead of two and a half dollars, witness fees as aforesaid; and that said White and Gomez be allowed seven dollars and a half each for three days attendance as witnesses and fifteen cents mileage each, a total of seven dollars and sixty-five cents for said White and Gomez respectively---- and that the costs herein be retaxed accordingly.

  
Clerk of the District Court.



1-6-14.

Order that a cost bond be put up  
by Masters.

Order that notes be allowed  
enter amended petition

Order by allow  
sums by Sullivan

Order by Go Thompson to complaint  
signature by Masters to amended complaint

adjourned to 1:30 P.M.  
John Stewart John Stewart John Stewart John Stewart  
recess

sums recessed  
adjourned to  
7:15 P.M.

adjourned  
to 9:00 A.M. Jan 7 - 14.

sums recessed recessed recessed  
recess until 1:30 P.M.



1-10-14- 6-P.M.

Director J. Sanders Valler,

Director J. Myers County

Both introduced as evidence

Allowed only as much, in evidence  
as read

<sup>Witness</sup>  
Alexander Clure  
Chandler

A.L. Seago

Paquella Carson.

Letter introduced as Exhibit A.

Sarah Carson.

Ernest Atchey.

Miss Camille Goyard,  
In Sandquist.

G.L. Thompson, 3<sup>rd</sup> tier.

Plaintiff's Rest.

JOHN T. ADAMS  
ATTORNEY AND COUNSELOR  
ALAMOSA, COLO.

Alamosa, Colorado,  
December, 31st., 1913

Mr. J. A. McDonald,  
\$11 State Street,  
City:

Dear Sir:

Maestas vs. Shone et al.

It is highly important that I have some subpoenas  
issued tonight. I am going to Denver.

Will you be kind enough to look me up and do the  
needful.

I have been trying to get you this afternoon at  
your office but without success.

Please do not fail me.

Yours very truly,

*J. T. Adams*  
Per E.D.G.

*Frank G. ... F. J. Christman ...*  
*in Blank for Alamosa County*  
*Conroy*  
*Weld*  
*Denver*  
*Alamosa*

*For Sullivan*  
*J. B. White*  
*Engine*  
*Arthur*  
*1-10-14*

3 1/2 water

Jan 7<sup>th</sup> 1914

10 <sup>in</sup>

Wessers		Alexander Allvin	2.50
W.L. Thompson 2 days	5.00	Ch Wilder	2.50
Ward	2.50	A.L. Suazo	2.50
Wassman	2.50	Parquella Carson	2.50
Went	2.50	Smith Carson	2.50
Wistar	2.50	Eugene Atthoff	2.50
Pablo Trujillo	2.50	Mrs. Carrie Boyd	2.50
C. Gonzalez	2.50	M. Lundquist	2.50
Ricardo Alvarez	2.50	F.T. Christensen 3 days	10.50
John Lewis 1 day	2.50	Prof. Moomy 3 days	50.25
<del>Wassman</del>	2.50	Gredley	
<del>Went</del>	2.50	mileage @ 15¢	
<del>Went</del>	2.50		
<del>Went</del>	5.00		
<del>Went</del>	2.50		
<del>Went</del>	2.50		
Thompson recalled			
Miss Lister	2.50		
Elizabeth L. Mc Gath	2.50		
Wanda Sabastidee	2.50		

(9<sup>in</sup>)

born by OCH.

P. Robinson 2.50  
 W. S. ... 2.50  
 W. S. ... 2.50  
 W. S. ... 2.50  
 W. S. ... 2.50

1000

60.

Other  
 Plaintiff  
 Defendant  
 Court

80.75  
 60  
 140.75

MEMORANDUM

United States Fidelity & Guaranty Co.

JAMES ROBER,

ALAMOS SOCIETY COLORADO.



*for Sullivan*  
*J.B. White*

*for Sullivan*

*for Adam*

*Frank Gray, 77 Chestnut*

*J.A. Gordon*

*34 3/4 x 20 1/2*

*Pat Stewart*

Expenditures

Christmas recalled 3 days & mileage  
Prof. Money, which for 3 days 302.90 —  
Grand Court till 7.30 over during

Jan 9<sup>th</sup> - 1914

File motion & enter  
order overruling same  
State Depts. & Caption.

also file the paper  
marked "notice of election"  
appeal order & 60  
days for bill of excep-  
tions & 90 days for  
a short transcript.

RAYMOND S. SULLIVAN  
ATTORNEY AT LAW

816 CONTINENTAL BLDG

DENVER, COLO.

PHONE MAIN 324

193.

SUBPENA.—Served by person other than Sheriff.—The Out West Printing and Stationery Co., Colorado Springs, Colo.

STATE OF COLORADO,

COUNTY OF ALAMOSA } ss.

The People of the State of Colorado, to the Sheriff of said County, GREETING:

We command you to summon Carry L. Dougherty, Roman Espinoza, M. J. Sanchez, and C. M. French  
to appear before the District Court of said County at Alamosa, Colorado

on the Sixth day of January 1914, at 10: o'clock in  
the fore noon, to testify and the truth to speak in behalf of Defendants

in a cause now pending in said Court, wherein Francisco Maestas is  
Plaintiff, and George H. Shona, et al are Defendants

And have you then and there this Writ, with a return thereon, showing in what manner you  
executed the same.

WITNESS, J. A. McDonald Clerk of said

Court, and the seal thereof, hereto affixed at Alamosa, Colorado,  
in said County, this Fifth day of January

A. D. 1914.

J. A. McDonald Clerk.  
By \_\_\_\_\_ Deputy.

STATE OF COLORADO, }  
COUNTY OF Alamosa } 89.

The People of the State of Colorado, to the Sheriff of said County, GREETING:

We command you to summon Frank Gomez, F. T. Christensen

J. N. Gordon, W. P. Robinson,  
to appear before the District Court of said County at Alamosa Colo

on the 6<sup>th</sup> day of January 1914, at 2 o'clock in

the after noon, to testify and the truth to speak in behalf of defendants

in a cause now pending in said Court, wherein Francisco Maestas is

Plaintiff, and Jos. N. Thom et al are Defendant.

And have you then and there this Writ, with a return thereon, showing in what manner you executed the same.

WITNESS J. A. McDonald Clerk of said

Court, and the seal thereof, hereto affixed at Alamosa Colo

in said County, this 6<sup>th</sup> day of January

A. D. 1914. J. A. McDonald Clerk.

By \_\_\_\_\_ Deputy.



STATE OF COLORADO, }  
Alamosa County. } ss.

THE PEOPLE OF THE STATE OF COLORADO.  
To the Sheriff of Alamosa County, GREETING:

WE COMMAND YOU to summon

Magnus Sundquist, Eugene Althoff  
Carrie Boyd

to appear before the District Court of said County, at Alamosa  
on the 10th day of January 1884, at 7 o'clock  
in the evening, noon, to testify in the case now pending in said Court, wherein

Francis Halsins is Plaintiff  
and Geo. H. Shum et al are Defendant S

And have you then and there this writ, with a return thereon, showing in what  
manner you have executed the same

Witness, J. A. McDonald, Clerk of the District  
Court of said County, and the seal thereof, at Alamosa  
this 10th day of January A. D. 1884

J. A. McDonald  
Clerk,

STATE OF COLORADO, }  
COUNTY OF Alamosa } ss.

*The People of the State of Colorado, to the Sheriff of said County, GREETING:*  
We command you to summon <sup>Ramón Jimenez</sup> A. L. Suazo, Jose Gomez, and Antonio  
Llanes and Magnus Sundquist

to appear before the District Court of said County at Alamosa, Colorado  
on the Sixth day of January 1914, at two o'clock in

the after noon, to testify and the truth to speak in behalf of Defendants  
in a cause now pending in said Court, wherein Francisco Maestas is  
Plaintiff, and George H. Shone et al are Defendant s

And have you then and there this Writ, with a return thereon, showing in what manner you  
executed the same.

WITNESS, J. A. McDonald Clerk of said

Court, and the seal thereof, hereto affixed at Alamosa  
in said County, this Sixth day of January  
A. D. 1914.

J. A. McDonald Clerk.  
B. Deputy.

STATE OF COLORADO, }  
Alamosa COUNTY. } ss.

The People of the State of Colorado to the Sheriff of said County, Greeting:

WE COMMAND YOU TO SUMMON G. H. Wilder, Alexander Oliver

to appear before the District Court of said County, at Alamosa, Colorado on  
the Tenth day of January 1914, at 6: o'clock in the  
after noon, to testify and the truth to speak in behalf of defendants

in a cause now pending in said Court, wherein  
Plaintiff  
Francisco Maestas is

and George H. Shone et al are Defendant s  
And have you then and there this writ, with a return thereon, showing in what manner you have  
executed the same.

WITNESS, J. A. McDonald, Clerk of said  
Court, and the seal thereof, at his office in Alamosa Colorado  
in said Alamosa County, this 31st  
day of December A. D. 1913.

J. A. McDonald  
Clerk Deputy

STATE OF COLORADO, }  
Alamosa.....COUNTY. } ss.

The People of the State of Colorado to the Sheriff of <sup>Weld County, Colo.</sup> ~~said County~~, Greeting:

WE COMMAND YOU TO SUMMON *W. B. Mooney*

to appear before the District Court of said County, at Alamosa, Colorado, on the *6<sup>th</sup>* day of *January* 19*04*, at *10* o'clock in the *fore* noon, to testify and the truth to speak in behalf of the defendants

in a cause now pending in said Court, wherein

*Francisco Maestas* is Plaintiff and *George H. Shone et al* are Defendant &

And have you then and there this writ, with a return thereon, showing in what manner you have executed the same.

WITNESS, *J. A. McDonald*, Clerk of said Court, and the seal thereof, at his office in *Alamosa, Colo.*, in said *Alamosa* County, this *31st* day of *December*, A. D. *1904* 1913.

*J. A. McDonald*  
Clerk Deputy

STATE OF COLORADO,

} 88.

COUNTY OF Alamosa

The People of the State of Colorado, to the Sheriff of said County, GREETING:

We command you to summon Troyant Officer J. B. White  
Miss Sister, Miss McIsaac, G. L. Studer

to appear before the Justice Court of said County at Alamosa  
on the 2nd day of January, 1917, at 2 o'clock in

the after noon, to testify and the truth to speak in behalf of plaintiff  
in a cause now pending in said Court, wherein Francis McIsaac is  
Plaintiff, and Seal & Thore & Co are Defendant.

And have you then and there this Writ, with a return thereon, showing in what manner you  
executed the same.

WITNESS, J. M. Donald Clerk of said  
Court, and the seal thereof, hereto affixed at Alamosa  
in said County, this 2nd day of January

A. D. 1917

J. M. Donald Clerk.  
By \_\_\_\_\_ Deputy.

STATE OF COLORADO, )  
COUNTY OF ALAMOSA. ) SS.

IN THE DISTRICT COURT.

Francisco Maestas, suing in his  
own behalf and in behalf of all  
others similarly situated,

Plaintiff,

vs.

Geo. H. Shone, C. L. Lahrman,  
Joseph H. Darling as the Board of  
Education of School District No. 3  
Conejos County; and Geo. O. Thompson,  
as superintendent of School District No. 3,  
Conejos County.

Defendants.

P E T I T I O N

Comes now the plaintiff by his attorney, Raymond S.  
Sullivan, and for cause of action upon oath against  
defendants alleges:

1

That plaintiff is a citizen of the United States  
and of the State of Colorado and that he is a resident  
and taxpayer of the city of Alamosa in said State; that the  
defendants Geo. H. Shone, C. L. Lahrman and Joseph H. Darling  
are the duly elected and acting members of the Board of  
Education of School District No. 3 Conejos County, and that  
the defendant, Geo. O. Thompson, is the duly appointed  
superintendent of School District No. 3, Conejos County.

11

That there are in the city of Alamosa approximately  
eight hundred Mexican persons, or persons of Mexican descent;  
that they reside in four settlements in the four corners of  
said city and that approximately one hundred and fifty of such  
persons are between the ages of six and twenty-one years; that  
said School District No. 3 Conejos County comprises three schools  
situated in the city of Alamosa, - one known as the North Side  
or High School, which is also a primary or grammar school,

situated in Ward one at Bell Avenue and Main Street; another known as the South Side School, situated in Ward four at Eleventh Street and Hunt Avenue; and another, known as the Mexican School, in Ward three at Ninth Street and Ross Avenue; that all the Mexican children or children of Mexican descent are and have been for more than two years last past, obliged by order of said Board of Education to attend said Mexican School up to the Fifth grade thereof, while other children were and are permitted to attend the schools most convenient to their residence. That said public school houses are ample for the admission, instruction and grading for all of the children of said city, if said children are properly apportioned therein and that all the children in said city between the ages of six and twenty-one years are entitled, and of right ought to be admitted into and instructed in such of said public school houses as is reasonably most convenient to them without any distinction or classification of any such child or children between the ages of six and twenty-one years directly or indirectly on account of the race of such child or children or on any pretense whatsoever. That there are school houses within the said city of Alamosa which are convenient to the residence of the Mexican children and from which they are excluded on account of their race.

111

That plaintiff who is himself of the Mexican race has one child, also of the Mexican race, who lives with him and for whose care, nurture and education he is responsible; that is to say Miguel, who is of the age of eleven years. That on the 2nd day of September, 1913, plaintiff presented his said child for admission as a pupil at the north side or High School, which is also a primary or preparatory school, and which is most convenient to his place of residence. That the defendant Geo. O. Thompson, superintendent of School District No. 3 Conejos County refused to admit said child as a pupil and directed him to attend the Mexican School.

## IV

Plaintiff further avers that the Mexican School is at a distance of about seven blocks from his place of residence, and that his said child is obliged to pass by and near the North Side or High School; that there are several railroad tracks with engines and trains frequently passing and re-passing between his house and the Mexican School; and that his said child is forced to cross and re-cross said tracks in his travel to and from said Mexican School to his great danger and to plaintiff's distress of mind.

## V

That on or about August 25, 1913 plaintiff, through other Mexican persons as his representatives, applied to said Board of Education of said city of Alamosa, defendant in this action, for relief and requested said board to admit their children into such of the public school houses of said city as were most convenient to them without any distinction, classification or exclusion of such children between the ages of six and twenty-one years directly or indirectly on account of the race of such children; that said board and the members thereof denied said relief and informed plaintiff and said persons that their children and all children of Mexican descent would be confined to the Mexican school up to the fifth grade.

## VI

Plaintiff further avers that the refusal of said defendants to admit the child of plaintiff to the school most convenient to his residence and the limitation of said child and of children of Mexican descent to the Mexican School was and is a violation of defendant's legal duty, and a distinction and classification of pupils in the public schools on account of race or color contrary to the Constitution of the laws of the State of Colorado. That section 427, article 9 of the Constitution of the State of Colorado provides as follows:



"No sectarian tenets or doctrines shall ever be taught in the public schools, nor shall any distinction or classification of pupils be made on account of race or color."


That section 6009 of the Revised Statutes of 1908 of Colorado provides as follows:

"Every public school, except high schools, shall be open for the admission of all children between the ages of six (6) and twenty-one (21) years residing in that school district during at least four school months in each year, and the school board shall have power to admit adults, and children not residing in the district, if they see fit so to do, and to fix the terms of such admission."

VII

That plaintiff has used every means within his power, except legal proceedings, to obtain admission for his said child to the school most convenient to him but without avail, and that there is no plain, speedy or adequate remedy in the ordinary course of law.

WHEREFORE plaintiff prays that an alternative writ of mandamus be issued out of and under the seal of this court returnable at some short day directed to the said defendants, Geo. H. Shone, C. L. Lahrmann and Joseph H. Darling as the Board of Education of School District No. 3, Conejos County and to Geo. O. Thompson as superintendent of School District No. 3 Conejos County commanding them as such Board of Education and as such superintendent to admit the child of plaintiff to the North Side School or the most convenient of the public schools of said city to which he has the right of admission without any distinction or classification on account of his race or color, and pay the costs of this action, or to show cause why they should not do so.

  
Attorney for plaintiff.

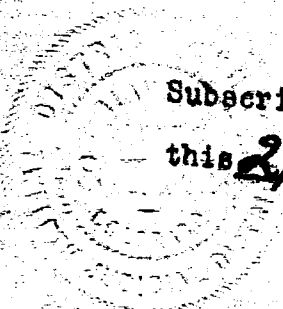
STATE OF COLORADO, )  
COUNTY OF ALAMOSA. ) SS.

Francisco Maestas of lawful age, being first duly sworn on oath deposes and says; that he is the plaintiff in the above entitled action; that he has read the foregoing petition and knows the contents thereof and that the same is true to the best of his knowledge, information and belief.

*Francisco Maestas*

Subscribed and sworn to before me  
this 2<sup>nd</sup> day of November, A.D. 1913.

*J. McDonald*  
Clerk of the District Court.



STATE OF COLORADO,  
COUNTY OF ALAMOSA.

SS.

IN THE DISTRICT COURT.

Francisco Maestes, suing in his own  
behalf and in behalf of all others  
similarly situated,

Plaintiff,

vs.

O R D E R

Geo. H. Shone, C. L. Lahrmann, Joseph  
H. Darling as the Board of Education  
of School District No. 3 Conejos County;  
and Geo. O. Thompson, as superintendent  
of School District No. 3, Conejos County.

THE PEOPLE OF THE STATE OF COLORADO to Geo. H. Shone, C. L.  
Lahrmann, Joseph H. Darling as the Board of Education of School  
District No. 3 Conejos County; and Geo. O. Thompson, as  
superintendent of School District No. 3, Conejos County;

WHEREAS:

Whereas it manifestly appears to us by the verified  
petition of Francisco Maestes, plaintiff in the above  
entitled action that an alternative writ of mandamus be  
issued against defendants and that there is no plain,  
speedy or adequate remedy in the ordinary course of law,

THEREFORE BE IT ORDERED, that defendants Geo. H. Shone, C.  
L. Lahrmann, Joseph H. Darling as the Board of Education of  
School District No. 3 Conejos County; and Geo. O. Thompson,  
as superintendent of School District No. 3, Conejos County be  
commanded as such Board of Education and as such Superintendent  
to admit the child of plaintiff to the North Side school or the  
most convenient of the public schools of the city of Alamosa  
to which he have the right of admission without any  
distinction or classification on account of his race or color  
and pay the cost of this action, or else show cause before  
this court in the city of Alamosa on the 15<sup>th</sup> day of December  
November, 1913 at the opening of court on said day why  
they should not do so.

Chas. C. Holbrook,  
Judge.

STATE OF COLORADO: )  
COUNTY OF ALAMOSA, ) SS.

IN THE DISTRICT COURT.

FRANCISCO MAESTAS,  
Plaintiff, )

vs. )

GEORGE H. SHONE, et al.  
Defendants. )

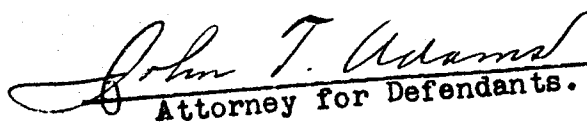
MOTION.

Come now the defendants above named, by their attorney, John T. Adams, and move the Court:

That plaintiff be ruled on or before a day in such rule named, to give security for the payment of the costs in this action, and for grounds of motion, defendants say:

That it will be required in the trial of said action to examine a large number of witnesses and some from a long distance; that the plaintiff has outside of the petition or complaint in this matter, professed to bring suit upon his own behalf as well as others whose names do not appear, but some of whom, the defendants allege upon information and belief, are non-residents of the County of Conejos, and the State of Colorado. And defendants further say upon information and belief that plaintiff is unable to pay the costs of suit, and that he is so unsettled as to endanger the officers of the Court with respect to their legal demands.

This motion will be supported by affidavit and oral or documentary evidence to be introduced at the hearing thereof.

  
Attorney for Defendants.

STATE OF COLORADO )  
                          ) SS.  
COUNTY OF ALAMOSA, )

IN THE DISTRICT COURT.

\*\*\*\*\*  
Francisco Maestas, suing in his own )  
behalf and in behalf of all others )  
similarly situated, )  
  ) Plaintiff, )  
vs. )  
Geo. H. Shone, ~~et al~~, C.L. Lahrman, )  
Joseph H. Darling as the Board of )  
Education of School District No. 3, )  
Conejos County; and Geo. O. Thomp- )  
son as superintendent of School )  
District No. 3, Conejos County. )  
  ) Defendants. ))  
\*\*\*\*\*

ORDER

IT IS ORDERED BY THE COURT, on the Court's own motion, that the hearing of the above matter be and hereby is continued from the Fifteenth day of December, 1913, to the Twenty-ninth day of December, 1913; and said hearing may be further continued until the Sixth day of January, 1914, upon application of the parties hereto, if they so desire;

And, IT IS FURTHER ORDERED, that the defendants shall have until the Twenty-ninth day of December, 1913, within which to move, answer or demur to the petition herein.

Done in Chambers at Alamosa, this 12th day of December, A.D. 1913.

*Chas. H. Brooks*  
Judge.

STATE OF COLORADO )  
COUNTY OF ALAMOSA ) ( SS.

IN THE DISTRICT COURT.

FRANCISCO MAESTAS,  
Plaintiff,

vs.

GEORGE H. SHONE, et al.,  
Defendants.)

ANSWER.

Come now the defendants, George H. Shone, C. L. Lahrman, Joseph H. Darling and George O. Thompson, by their attorney, John T. Adams, and for answer to the complaint herein say:

I.

That the said complaint and petition does not state facts sufficient to constitute a cause of action.

II.

That they deny each and every allegation in said complaint contained not hereinafter particularly admitted.

III.

And these defendants further answering said petition or complaint say;

1. That they admit that the plaintiff is a citizen of the United States and State of Colorado, and that he is a resident and tax payer in the City of Alamosa, in said State; deny that the defendants George H. Shone, C. L. Lahrman, and Joseph H. Darling, or any of them, are the duly elected and acting members of the Board of Education of School District No. 3, Conejos County; deny that there is or ever has been any such Board in Conejos County or elsewhere in the State of Colorado, but these defendants aver that said defendants George H. Shone, C. L. Lahrman and Joseph H. Darling are the duly elected, qualified and acting directors of the School District No. 3, in the County of

1.

Alamosa and State of Colorado; deny that the said defendant, George O. Thompson, is the duly appointed Superintendent of School District No. 3, Conejos County, or that there is or ever has been any such office or officer, but say that defendant, George O. Thompson, is the duly appointed, qualified and acting superintendent of Schools in the School District No. 3, in the County of Alamosa, and State of Colorado.

2. But as to whether or not there are approximately eight hundred Mexican persons, or persons of Mexican descent, in the City of Alamosa, or as to how many thereof were at the time of the commencement of this action, or, now are, of Mexican birth and parentage, defendants have not and cannot obtain sufficient knowledge or information upon which to base a belief and therefore deny the same; admit that a part, but not all of the persons of Mexican descent reside in four settlements in the four corners of said City; admit that there are three public schools situated in the City of Alamosa, in School District No. 3, in the County of Alamosa, and State of Colorado, and that one is known as the North Side, or High School; deny that the same is a primary school, but say that it is an elementary school as well as a high school; admit that it is situated in Ward One, at Bell Avenue and Main Street; admit that another elementary school, in said School District known as the South Side School, is situated in Ward Four, at Eleventh Street and Hunt Avenue; and that another, known as the Preparatory School, but not the Mexican School, is situated in Ward Three, at Ninth Street and Ross Avenue, of said City; deny that all Mexican children, or children of Mexican descent, or any children, whomsoever, by reason of their race, or color, or descent, are or have been, for more than two years last past, or at any other time, obliged, by order of these defendants, or any of them, or by order of the Board of Education, so called, or otherwise, to attend the said Preparatory School up to the Fifth grade thereof, or at all, while other children were, or are permitted to attend

2.

the school most convenient to their residence; defendants deny that the public schools are ample for the admission, instruction and grading for all of the children of said City, and say that to change the system now in vogue would result in confusion, and further lack of accommodations; and these defendants further aver the fact to be that the right of any child of any school age, in said City to enter any particular grade or school in said City, is subject to their several qualifications, and the ability to carry on the studies taught in the classes, grades and buildings which they, or their parents, or lawful guardians, desire them to attend in said District; and these defendants further aver the fact to be that no distinction or classification whatsoever, is, or at any time has been, made against any child or children in said City by reason of the race or color of such child or children; and these defendants deny that any child or children whomsoever, are or have been at any time, excluded from any school house convenient to their residence, or otherwise, by reason of their race or color, or for any other reason, except on account of such qualifications, or for improper conduct, or lack of proper accommodations.

3. These defendants deny that the plaintiff is of the Mexican race, so called, but say that the said defendant is of the Caucasian race; admit that the child of the plaintiff lives with him, and that he is responsible for his care, nurture, and education; deny that the said child is of the Mexican race, but say that the said child is also of the Caucasian race; and defendants further say upon information and belief, that all of the children of said School District are of the same race and color, to-wit, white children of the Caucasian race, with the exception of a few negroes; and defendants admit that the said child of the plaintiff is about the age of eleven (11) years; defendants admit that on or about the 2nd day of September, 1913, the said child was presented for admission to the North Side High School, and admit that



the defendant, George O. Thompson, denied him admission and directed him to go to the Preparatory School; deny that the said North Side or High School is a Primary or Preparatory School, but say that the same is an elementary and high school only, with branches from the first grade of the elementary school to the last grade of the High school; defendants aver the fact to be that the child was qualified in the first grade of the Preparatory School only, and had passed the examination therein, but that said child was deficient in the proper understanding of the English language, and was thereby incapable of carrying on his studies in said North Side or High School; and upon his presentation for admission as a pupil at the said North Side High School, he was examined in his qualifications in said language, but that he failed therein; that by reason thereof, he was wholly unable to carry on the work of his grade in the said school, or any work whatsoever, in said North Side High School, and that he was therefore required to attend the said Preparatory School, in Ward No. 3, at Ninth Street and Ross Avenue, where special facilities were and are provided for the use of all children who are deficient in a working knowledge of the English language; that said child, Magill, son of the plaintiff, had and has been further retarded in all branches of his studies by reason of the fact that the plaintiff, wholly unmindful of his duties in that behalf, has permitted the said child for a period of more than three months, to stay out of school, and to habitually remain out of school, and to absent himself from his classes and studies thereby causing him to be behind in all of his classes and studies, and to be unable to carry on the work thereof.

4. These defendants admit that the Preparatory School, the same being the so called Mexican School by the plaintiff, is a distance of about seven blocks from his place of residence, but deny that his said child is obliged to pass by or near the North Side or High School; these defendants say that the distance of seven blocks from plaintiff's place of residence to the said

Preparatory School, called the Mexican School, by the plaintiff, is within reasonable walking distance from plaintiff's place of residence; admit that there are railroad tracks with engines and trains passing between plaintiff's house and the Preparatory school, called the Mexican school by the plaintiff; but these defendants say that no passenger trains pass thereover during school hours, or at any time while the school children pass, or are required to pass thereover, going to or from school; and that warnings are constantly given and required to be given by the passing trains; admit that the plaintiff's child is required to cross and recross the said tracks in his travels to and from the said Preparatory School; deny that the same is attended with danger, but say that when care and caution exercisable, by any school child is used, the same is not attended with more danger than in crossing the ordinary streets of the City; deny that the same, or any thereof, causes plaintiff distress of mind, but these defendants aver the fact to be that said railroad tracks are upon the right of way of the Denver and Rio Grande Railroad Company passing through the center of the City of Alamosa, and that the said Railroad Company is required to and do protect the foot passengers and other passengers crossing the tracks, by warnings and other signals; but notwithstanding said matters, defendants aver upon information and belief, that the child of plaintiff as well as a large number of other children of Mexican birth and parentage, in said City, both on the North and South sides of said tracks, repeatedly and continuously use the said tracks as a play ground and for other purposes, and are permitted so to do by their parents, and that the same is wholly beyond the authority of control of these defendants or any of them.

5. As to the allegations contained in paragraph five, of the said petition, these defendants admit that on or about August 25th, 1913, the plaintiff and other Mexican persons applied to these directors of School District No. 3, in the County of Conejos,

and State of Colorado, and requested said Board to admit their children into such of the public school buildings of the City, as were most convenient to their place of residence, without any distinction, classification or exclusion of such children, between the ages of six and twenty-one years, directly or indirectly on account of the race of such children; these defendants deny that the said Board, or any member thereof, denied such relief to said plaintiff and deny that the said Board or any member thereof, informed the plaintiff, or anyone else, that any child of Mexican descent, would be confined to the Mexican school up to the Fifth grade, but on the contrary, these defendants aver the fact to be that the plaintiff and others of said representatives were, then and there informed by members of the Board, that all children of school age, would be permitted to attend the school nearest to them, provided they were qualified so to do.

6. And as to the allegations contained in paragraph six of said petition or complaint, these defendants and each of them, deny the alleged and pretended refusal of defendants, to any school for the alleged and pretended reasons set forth by plaintiff; deny the limitation of said child or children of Mexican descent, or parentage, to the Mexican school so called, except as herein expressly set forth; and these defendants and each of them, deny each and every other allegation contained in paragraph six, except that they admit that section 427, Article 9, of the Constitution of the State of Colorado, is correctly set forth in said paragraph; and that Section 6009, of the Revised Statutes of 1908 of Colorado, is also correctly set forth in said paragraph.

7. And these defendants deny that plaintiff has used every, or any lawful and proper means, within his power, to obtain admission for his said child to the school most convenient to him, but on the contrary, aver the fact to be, that by reason of his neglect of said child, <sup>in permitting him</sup> to habitually absent himself from the school, said child has been retarded in his studies and advancement,

and was and is unable to keep up with his studies, or any of them, in said school.

#### IV.

And for a further and separate answer and defense to said petition and complaint, these defendants and each of them say;

1. That within the boundaries of the City of Alamosa, in School District No. 3, in the County of Alamosa, and the State of Colorado, there are, and have been for many years, a large number of children of Mexican birth and parentage, including the child of the above named plaintiff; that in most of the homes of said children the Spanish and not the English language is regularly and customarily used and by reason thereof, a large proportion of the said children have not a working knowledge of the English language, by reason whereof, it was and is, impossible to efficiently teach the non-English speaking children in said School District, in English grammar, or any other subject, without seriously retarding and impairing the educational advancement and development of the school children of said City; and that heretofore and a long time prior to the commencement of this action, as well as before the establishment of the said Preparatory School, and upon the petition of a large number of the tax payers, and patrons of the schools, in said School District No. 3, the ground whereon the said Preparatory School now stands, was purchased, and the said school building was constructed and erected, for the benefit of the school children in said school District who were without a working knowledge of the English; that among said petitioner to establish said school and the present system of teaching, there included many persons of Mexican birth and parentage, residing in said School District, who desired their children to be taught in the English language by means of the system now provided; that pursuant thereto special teachers with a working knowledge of the Spanish language were and are provided for said pupils, and said

school was also established pursuant thereto; that the teachers in the schools outside of the said Preparatory School in said District, have not and are not required to have a working knowledge of the Spanish language, and that if the children of said School District, without a working knowledge of the English language are permitted to attend the classes where the teacher has no knowledge of the Spanish language, the graded system of schools in said City would be seriously injured and impaired, if not altogether destroyed, and the advancement and educational development of the pupils of said City would be thereby retarded, including not only those speaking the Spanish language, but also those speaking only the English language; that there is no school on the North Side of the tracks of said Railroad Company, nor any school in said City, except the said Preparatory School where instruction can be efficiently given to the pupils of the same school who have not a working knowledge of the English language; nor is it possible to provide for adequate teaching facilities for said pupils in more than one of the buildings in said City, nor otherwise than by the system in vogue in said City; that to change the present system of instruction in said School District, would result in great and irreparable injury and loss to said School District and tax payers thereof.

2. And these defendants further say that the system so provided and in operation in said school District No. 3, has been in successful operation for a period of not less than five years last passed; and that the said Preparatory School was selected and is located at the point where it is situated for the reason that it is most convenient to the largest number of Spanish speaking and non-English speaking patrons of the schools of said City; that said system is necessary by reason of the conditions aforesaid, and is the best and most efficient system of teaching and in accordance with the most advanced system of instruction in schools where the pupils are unfamiliar with the English language, or where a new language must be taught and learned.

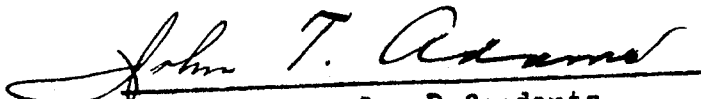
3. And these defendants further say that all of the pupils of said Preparatory School who have passed the fourth grade thereof, are thereby qualified and permitted to enter the fifth grade of any school in the City nearest to their place of residence; and that at proper periods of the year, to wit, at the beginning of the terms in January and September of each year, and at all times upon the entrance of pupils to the schools, all children who have sufficient proficiency in the English language to keep up with their classes, are, regardless of their race, color or nationality, and of whatever grade in said school, from the first grade of the elementary department to the highest grade of the high school, permitted to enter the class or grade for which they are qualified in the school building nearest their place of residence, whenever the said grades are taught in the said building or buildings, and whenever there are accommodations therefor.

4. And these defendants further say that the said Preparatory School is the newest School Building in the City and is one of the best constructed and most sanitary of any of said school buildings; that its equipment is equal to, if not superior to any of the other school buildings; that under the present system, each child attending the same receives more individual attention from the teacher in the use of the English language, than in the other classes in the other schools of the City; that the course of study and ~~general~~ <sup>general</sup> manual training is the same for the children attending said school, as provided in the other schools, and in addition they have the primary, and the instructions in the use of the English language; that in said Preparatory School the said children have received and do receive equal educational advantages with all the children in the said City; and that the same has been provided for the purposes aforesaid, at a cost of many thousand of dollars to the tax payers of said School District.

5. And these defendants further allege and say that this action is being largely fostered and instigated by non-residents of

said School District No. 3, acting with plaintiff and by those who have no children in said schools, as well as by others who are not taxpayers in said District, including among others the persons of Mexican birth and parentage through whose efforts said Preparatory School was established, and who now seeks to destroy the same for personal considerations, and not by reason of any violation or attempted violation upon the part of these defendants, or any of them, of any right or rights, in the premises of the plaintiff, or any other person or persons whomsoever, but for the purpose of interfering with the school discipline of the schools of said School District No. 3, and of embarrassing and handicapping the principal and instructors in said schools, and the defendant directors of said School District in the discharge of their several duties as officers and teachers therein.

WHEREFORE, defendants pray that the said action may be dismissed and for its costs.

  
Attorney for Defendants

STATE OF COLORADO, )  
COUNTY OF ALAMOSA, ) SS.

George O. Thompson, being first duly sworn upon oath deposes and says; that he is one of the Defendants above named, that he has read the within and foregoing answer and well knows the contents thereof, and that the same is true of his own knowledge, except as to matters which are therein stated upon information and belief, and as to those matters, that he believes it to be true.

Geo. O. Thompson

Subscribed and sworn to before me this 6<sup>th</sup> day of

January, A.D. 1914.

~~My Commission expires~~

J. A. McDonald  
Clerk  
District Court

Notary Public.



STATE OF COLORADO, )  
COUNTY OF ALAMOSA. ) ss.

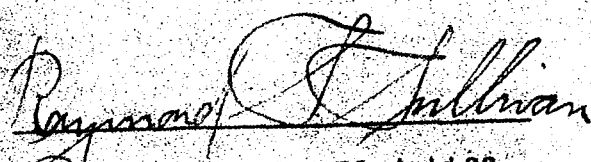
IN THE DISTRICT COURT.

Francisco Maestas, et al., )  
Plaintiff, )  
vs. )  
George H. Shone, et al., )  
Defendants. )

DEMURRER.

Comes now plaintiff, by his attorney Raymond S. Sullivan, and demurs to defendants' answer for the reason that it does not constitute a defense to plaintiff's amended petition.

WHEREFORE, Plaintiff prays for judgment as in his amended petition demanded.

  
Attorney for Plaintiff.

STATE OF COLORADO, )  
                          ) ss.  
COUNTY OF ALAMOSA. )

IN THE DISTRICT COURT.

Francisco Maestas, suing in his  
own behalf, and in behalf of all  
others similarly situated,

Plaintiff,

vs.

George H. Shone, C. L. Lahrman,  
Joseph H. Darling, as the Board  
of Education of School District  
No. 3, Conejos County, and George  
O. Thompson, as Superintendent of  
School District No. 3, Conejos  
County,

Defendants.

A M E N D E D  
P E T I T I O N.

Comes now plaintiff, by his attorney Raymond S.  
Sullivan, suing in his own behalf and in behalf of all others  
similarly situated, that is to say, all persons commonly  
known as Mexicans, citizens and residents of the City of  
Alamosa, State of Colorado, and of the United States, and  
for cause of action, upon oath, against defendants alleges:

First: That plaintiff is a citizen of the United  
States and of the State of Colorado, and that he is a resident  
and taxpayer of the City of Alamosa in said State; that the  
defendants George H. Shone, C. L. Lahrman and Joseph H.  
Darling are the duly elected and acting members of the Board  
of Education of School District No. 3, Conejos County, and  
that the defendant George O. Thompson is the duly appointed  
Superintendent of Schools in School District No. 3, Conejos  
County.

Second: That there are in the said City of Alamosa  
approximately eight hundred Mexican persons, or persons of  
Mexican descent, commonly known as and hereafter designated

Mexicans. That such persons are citizens of the United States and citizens and residents of the State of Colorado. That they reside in four (4) settlements in the four (4) corners of said City, and that approximately one hundred and fifty of such persons are between the ages of six and twenty-one years. That said School District No. 3, Conejos County, comprises three schools situated in the City of Alamosa, one known as the North Side or High School, which is also a primary or grammar school, situated in Ward One at Bell Avenue and Main Street, another known as the South Side School situated in Ward Four at Eleventh Street and Hunt Avenue, and another known as the Mexican School in Ward Three at Ninth Street and Ross Avenue. That all the Mexican children, or children of Mexican descent, are and have been for more than two years last past obliged by order of said Board of Education to attend said Mexican School up to the fifth grade thereof, while other children were and are permitted to attend the schools most convenient to their residence. That said public school houses are ample for the admission, instruction and grading of all the children in said city if said children are properly apportioned therein, and that all the children in said city between the ages of six and twenty-one years are entitled, and of right ought to be admitted into and instructed in such of said public school houses as is reasonably most convenient to them without any distinction or classification of any such child or children between the ages of six and twenty-one years, directly or indirectly, on account of the race of such child or children, or on any pretense whatsoever. That there are school houses within the said City of Alamosa which are convenient to the residences of the Mexican children, and from which they are excluded on account of their race.

Third: That plaintiff, who is himself of the Mexican race, has one child who is also of the Mexican race, who lives with him and for whose care, nurture and education he is responsible; that is to say, Miguel, who is of the age of eleven years. That on the second day of September, 1913, plaintiff presented his said child for admission as a pupil at the North Side or High School, which is also a primary or preparatory school, and which was nearest and most convenient to his place of residence; that the defendant George O. Thompson, Superintendent of School District No. 3, Conejos County, refused to admit said child as a pupil, and directed him to attend the Mexican School.

Fourth: Plaintiff further avers that the Mexican School is at a distance of about seven blocks from the place of residence, and that his said child is obliged to pass by or near the North Side School; that there are several railroad tracks with engines and trains frequently passing and repassing, between his house and the Mexican School; that his said child is forced to cross and recross said tracks in his journey to and from said school to his great danger, and to plaintiff's distress of mind.

Fifth: That on or about August 25, 1913, plaintiff, through other Mexican persons as his representatives, applied to the Board of Education of School District No. 3, Conejos County, defendant in this action, for relief, and requested said Board to admit their children into such of the public school houses of said City as were most convenient to them, without any distinction, classification or exclusion of such children between the ages of six and twenty-one years, directly or indirectly, on account of the race of such children; that said Board and the members thereof denied said relief,

and informed plaintiff and said persons that their children, and all children of Mexican descent would be confined to the Mexican school up to the fifth grade.

Sixth: Plaintiff further avers that the refusal of said defendants to admit the children of plaintiff to the school most convenient to their residences, and the limitation of said child, and of children of Mexican descent to the Mexican school, was and is a violation of defendants' legal duty, and a distinction and classification of pupils in the public schools on account of race or color, contrary to the Constitution and laws of the State of Colorado; that Section 427, Article 9 of the Constitution of the State of Colorado, provides as follows:

"No sectarian, tenets or doctrines shall ever be taught in the public schools, nor shall any distinction or classification of pupils be made on account of race or color."

That Section 6009 of the Revised Statutes of 1908, provides as follows:

"Every public school, except high schools, shall be open for the admission of all children between the ages of 6 and 21 years residing in that school district during at least four school months in each year, and the school board shall have power to admit adults and children not residing in the district, and to fix the terms of such admission."

Seventh: Plaintiff further alleges that he has used every means within his power, except legal proceedings, to obtain admission for his said child to the school most convenient to him but without avail, and that there is no plain, speedy or adequate remedy in the ordinary course of law.

WHEREFORE, Plaintiff prays in his own behalf, and in behalf of all others similarly situated, being persons commonly known as Mexicans, citizens and residents of the City of Alamosa, State of Colorado, that an alternative writ of mandamus be issued out of and under the seal of this Court, returnable at some short day, directed to the said defendants

George H. Shone, C. L. Lahrmann and Joseph H. Darling as the Board of Education of School District No. 3, Conejos County, and to George O. Thompson as Superintendent of School District No. 3, Conejos County, commanding them as such Board of Education and as such superintendent to admit the child of plaintiff, and all children of Mexican descent commonly known as Mexicans, in the City of Alamosa, to the most convenient of the public schools of said City to which they have the right of admission, without any distinction or classification on account of race of color, <sup>or on any pretense whatsoever</sup> and pay the costs of this action, or to show cause why they should not do so.

Raymond D. Sullivan  
Attorney for Plaintiff.

STATE OF COLORADO, }  
COUNTY OF ALAMOSA. } ss.

Francisco Maestas, of lawful age, being first duly sworn, on oath deposes and says: That he is the plaintiff in the above entitled action; that he has read the foregoing amended petition; and that the same is true to the best of his knowledge and belief.

Francisco Maestas

Subscribed and sworn to before me this 6<sup>th</sup> day of January, 1914.

James Small  
Clerk of the District Court.

STATE OF COLORADO, )  
COUNTY OF ALAMOSA. ) ss.

IN THE DISTRICT COURT.

Francisco Maestas, et al.,

Plaintiff,

vs.

George H. Shone, et al.,

Defendants.)

REPLICATION.

Comes now plaintiff, by his attorney Raymond S. Sullivan, and for replication to defendants' answer herein, denies each and every allegation of new matter therein contained.

WHEREFORE, he prays for a judgment as in his amended petition demanded.

*Raymond S. Sullivan*  
Attorney for Plaintiff.

G. O. THOMPSON  
Superintendent City Schools  
Atamora, Colo.



Mrs. Wm. Carson,  
City.



Ey A

Alamosa, Colorado, Sept. 15, 1913.

~~My dear Mrs. Carson~~  
Mrs. Wm. Carson  
Alamosa

My dear Mrs. Carson:-

Your daughter Sarah is 18 yrs. old and has been in the 1st grade for more than 4 yrs. The teachers are unable to teach her and it would be best for her to quit coming to school. She possibly might be able to help you in your work at home or if you wished it you could have steps taken to have her sent to the State home.

Very truly yours.

Geo. O. Thompson.

Supt.

STATE OF COLORADO, }  
Alamosa } SS.  
Alamosa COUNTY, }

IN THE MATTER OF

Francisco Maestas

VERSUS

Geo. H. Stone  
et al

Noted

IN THE COUNTY COURT.

We do hereby enter... ~~our~~ security for costs in this case, and acknowledge ~~our~~ selves bound to pay, or cause to be paid, all costs which may accrue in this action, either to the opposite part or to any of the officers of this Court, pursuant to the laws of the State of Colorado.

Dated this 7th day of January A. D. 1904.

J. C. Gonzales, Francisco Maestas  
J. R. G. Ruybal  
~~Rosendo Hernandez~~

NOTE.—Attorneys will not be accepted as security for costs.

Eugen Quintaner

State of Colorado, SS. In the District Court thereof.  
County of Alamosa.

Francisco Maestas, etc.  
Plaintiff,

vs.  
Geo. H. Shone, C. L. Lahrman, and  
Joseph H. Darling, as School  
Directors, and Geo. O. Thompson as  
Supt. of Schools, in School Dist.  
No. 3.

This is a proceeding for a peremptory mandate to com-  
pel the respondents, as school officers, in School District  
No. 3, being the City of Alamosa, to admit Miguel Maestas,  
plaintiff's son, and the children of other Mexican people, to  
the school or schools nearest them, respectively.

The respondents plead want of jurisdiction, for the rea-  
son that plaintiff has a right of appeal to the County Supt. of  
schools and, ultimately, to the State Board of Education; but,  
it is the opinion of the Court that the Court has jurisdiction.

The City of Alamosa, all of which is in said school dis-  
trict, has three school houses, one of which is north of the  
railroad and is called the High School; another, south of the  
track, is called the South Side School, and the third, the  
Mexican Preparatory School, but, commonly referred to as the  
"Mexican School".

There are, in Alamosa, a considerable number of Spanish  
speaking families, <sup>many of</sup> whose young children do not speak the Eng-  
lish language. This latter school was built for their bene-  
fit, and supplied with teachers especially selected, because  
of their ability to speak both English and Spanish, to the  
end that the studies in English may be explained to them with  
the aid of the Spanish, until they acquire a working knowl-

...of residence.

*with*

...should be made by reason of ...  
...of children themselves, ...  
...to be returned to the preparatory school.

...is considered, ordered and assigned by  
...responsibility, as school officers of said  
...their successors, Allow Miguel ...

...speaking children within said school  
...under the law, to common school

...such knowledge of English as will  
...instruction in that language, to be

...their respective homes or places  
...to be arranged for a period not

...of April, 1914, and that the privi-  
...at the beginning  
...and that the preparatory

*Chat Holbrook,  
Judge.*

State of Colorado, Humana County ss,  
Francisco Maestas et al.

Def'ts.

vs.

George H. Shone et al.

Def'ts.

It is hereby ordered by the undersigned judge that the time allowed defendants in which <sup>to</sup> elect the further action to be taken in this case, by defendants, be extended to 30 days from the date of judgment herein, and otherwise the position of defendants be, and ~~that~~ hereby ~~is~~ is overruled.

This 2, Day of April 1914.

Chas. C. Halbrook,  
Judge.

1940  
2352  
2352

2403  
2352  
51

402  
1940  
2342

The parties respectfully  
except to the ~~findings~~  
findings and judgment  
of the Court, I shall  
side takes 10 days  
in which to file a  
motion for a new  
trial or take such  
other action as they  
may be advised,

#6 - Dated March 19<sup>th</sup> 14