

MAY-13-54 319819 CK •77497 A Dec Civ 5.

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA  
IN AND FOR THE COUNTY OF MARICOPA

FILED  
WALTER S. WILSON  
CLERK



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CLERK

MAY 13 1954

No. 77497

JUDGMENT AND ORDER

CARL HEARD and FRANK HEARD by their next of friends and parents WILLIAM HEARD and EMMA MANOR HEARD, husband and wife; and CYNTHIA WILLIAMS, MYRNA RUTH WILLIAMS, PEARLIE MAE WILLIAMS and FLENOY WILLIAMS, JR., by their next of friends and parents FLENOY WILLIAMS and BEATRICE WILLIAMS, husband and wife,

Plaintiffs,

vs.

HAROLD DAVIS, as President, GEORGE T. MONROE, as Clerk, CALVIN McKNIGHT, as a Member of the BOARD OF TRUSTEES of the Wilson School District, a legally organized public school district in Maricopa County, State of Arizona; and G. S. SKIFF, as Superintendent of the Wilson Schools,

Defendants.

This cause having come on regularly to be heard upon motion for summary judgment by the Plaintiffs above-named, and the Court being fully advised, this Court finds that the provisions of that portion of Chapter 138 of the 1952 Session Laws of the State of Arizona amending Section 54-416, Arizona Code Annotated, 1939, and that portion of Section 54-430, Arizona Code Annotated, 1939, which provide that boards of trustees "may segregate groups of pupils" constitute an unlawful delegation of legislative authority to an administrative board when such segregation is based upon differences of race or color, and that the custom and practice of the Defendant members of the Board of Trustees of Maricopa County School District No. 7, an elementary school district commonly known as Wilson School District, in segregating members of the African and Caucasian races is unlawful and in violation of the Constitutions of the United States and the State of Arizona.

IT IS THEREFORE ORDERED, that the Defendants, and each of them, be, and they are hereby enjoined from segregating pupils of the African and Caucasian races by reason of race or color.

IT IS FURTHER ORDERED, that this injunction shall become effective upon the close of the spring session of the said school district.

DONE IN OPEN COURT, this 13<sup>th</sup> day of May, 1954.

*L. Lewis B. Pennington*  
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JUDGE OF THE SUPERIOR COURT

Approved as to form this  
13<sup>th</sup> day of May, 1954.

WILLIAM P. MAHONEY, JR.,  
County Attorney

By *Jos. F. Walton*  
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JOS. F. WALTON  
Deputy County Attorney  
Attorneys for Defendants