

LAW OFFICES
MCGILL & MCGILL
CITIZENS INSURANCE BUILDING
610 WEST DUVAL STREET P.O. Box 702
JACKSONVILLE, FLORIDA

June 20, 1938

Mr. Thurgood Marshall
Assistant Special Counsel NAACP
69 Fifth Avenue
New York, N.Y.

9040

JUN 22 1938

In Re: Gilbert v. Board of Public Instruction
Brevard County, Florida

Dear Mr. Marshall:

Replying to your letter of the 18th inst., concerning the above matter will state that all writs of error to final judgments in this state in mandamus proceedings must be sued out within six months after the rendition of the judgment. When the writ of error is sued out in the Circuit Court it must be made returnable within not less than 30 days nor more than 90 days from the date the writ or error is taken. In this case I contemplate suing out the writ within the next 10 days at least. I think no time should be wasted in taking proper proceedings in an attempt to reverse the judgment in this case.

In this case the Brevard County School Board has actually established salary schedules for teachers in the county and the record will show discrimination in violation of the constitution of the United States. The question of whether the statute directs them to establish such schedules is not material in view of the fact that as governmental officers they have actually established such schedules. This particular question, however, cannot arise again in this state in view of the fact that Florida's Legislature in May 1937, passed a law requiring boards of education to establish salary schedules for teachers in their respective counties.

Yours very truly,

MCGILL & MCGILL

S. D. McGill

S.D. MCGILL

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