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IN THE UNITED STATES DISTRICT COURT FOR THE CENTRAL DIVISION
OF THE WESTERN DISTRICT OF MISSOURI

LUCILE BIUFORD,)	
)	
Plaintiff,)	
)	
vs.)) Civil Action No.42
)	
S.W. CANADA,)	
)	
Defendant.)	

Amended Motion for New Trial

Comes plaintiff within four days after verdict rendered against her in this cause October 24,1940, and files this her amended motion to set aside said verdict and grant her a new trial, and shows:

1. The Court erred in overruling her challenge to the jury panel on the ground that all jurors on the panel were white and all qualified Negroes had been excluded therefrom solely because of race, pursuant to established custom in this division of the United States District Court for the Western District of Missouri unbroken for more than thirty years not to call Negroes for jury service in this court, to her substantial prejudice in that as a Negro she was suing a white man for a denial of her civil rights caused by race discrimination on his part; and for the Court to force her in the premises to trial before a jury from which all qualified Negroes had been excluded solely because of race in violation of United States Code, title 8, section 44, and title 28, section 415, and other United States statutes relevant in the matter, was to deprive her of her freedom of action, her civil rights and property without due process of law as guaranteed by the Fifth Amendment to the Constitution of the United States.

2. The Court erred in permitting Frank L. Martin to testify regarding the possibility of Lincoln University opening a graduate course in journalism by the beginning of the fall

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term in September, 1939 if plaintiff had applied to Lincoln University for such course in July, 1939, based solely upon the amount of appropriations available to Lincoln University without any consideration of, or even showing that the witness knew of, other conditions determinative of the ability of the University to open such a course: such as plant, library, faculty personnel and so forth.

3. The Court erred in excluding from the minutes of the Board of Curators of Lincoln University and the various subcommittees of said Board, including the Executive Board or

Committee, those portions of the minutes which characterized plaintiff's letter dated September 8,1939 to President Scruggs and the Board of Curators of Lincoln University as an

application to the University for graduate work in journalism.

4. The Court erred in instructing the jury that knowledge by defendant at the time he refused her a permit to register or to register her in the University of Missouri for graduate work in journalism, September 14, 1939, that Lincoln University had failed to furnish plaintiff with such work, was a condition precedent to her right of recovery in this action.

5. The verdict was for the wrong party.

6. The verdict was contrary to the law.

7. The verdict was against the weight of the evidence and contrary to the evidence adduced and presented in the case.

All the errors set forth substantially prejudiced the plaintiff, as appears from the transcript of testimony.

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FILED

OCT 26 1940

A. L. ARNOLD, Clerk

By John S. Boyer Jr. Deputy