

1890

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IN THE DISTRICT COURT IN AND FOR STORY COUNTY, IOWA.

Orris W. Roberts, :  
:   
vs: :   
:   
W. M. Beardshear, etal. :   
:

Count 1.

Par. 1. The plaintiff for cause of action against the defendants alleges that he is a citizen and resident of the State of Iowa and that he has been a resident thereof since his birth. That his present place of residence is in Harrison County said State, where he has resided at all the times hereinafter stated.

Par. 2. That the said defendant W. M. Beardshear is the President of the State Agricultural College of the State of Iowa located near the town of Ames in said State and that the other named defendants are the trustees of the said college.

Par. 3. That the said State Agricultural College is maintained and supported by the State of Iowa for the purpose of educating a portion of the young men and young women resident in the said State, and that the said college is fully equipped with the necessary buildings and apparatus for the purpose of aiding and assisting the said residents in procuring their said education and has a full corps of teachers employed therein, and that the said State by an Act of Congress of the United States received valuable rights powers and authorities, and large and valuable tracts of land on condition that the said State should provide colleges for the benefit of agricultural and mechanical arts; which said buildings and apparatus were purchased and erected from the sale of the said lands, etc., and the salaries paid to the said teachers are furnished by the said State of Iowa and at the expense of its people, and according to the Statutes of said State any person a resident of said State for six months is entitled to be admitted thereto without being required to pay tuition to said institution, and that the said college is as hereinbefore alleged, wholly maintained by the income from the said lands and by appropriations made by the Gen. Assembly of the State of Iowa/ That your petitioner is a tax payer of said State and was at the time hereinafter mentioned, and is now free from any disease or moral or physical defects and was then and still is in all respects fully qualified and fitted for admission to scholarship as a resident in said college.

Par. 4. That on or about the 28th day of February A. D. 1891, your petitioner entered the said college for the purpose of completing the course of study therein prescribed and known as the mechanical or electrical engineering course and that since that time until the present moment has pursued the said course diligently and faithfully, and has fully performed all duties as a student of said college and has faithfully complied with the lawful rules, regulations and requirements of the same and is now ready and willing to continue to obey all the reasonable and lawful requirements in force therein.

Par. 5. That the said W. M. Beardshear as president of the said college on or about the 24th day of October, 1892, in pursuance of the mandate of said trustees of the said college named herein, and under and by virtue of the authority conferred upon him by the said trustees suspended your petitioner from any further privileges as a scholar in said college and refused your petitioner access to the said buildings and grounds and also refused your petitioner the privilege of attending his classes to which he had heretofore been assigned by the faculty of the college, because

your petitioner was a member of a certain lyceum or society known as the Delta Tau Delta Society, to which society your petitioner was admitted as a member on or about the \_\_\_\_\_ day of October, 1882. Your petitioner further alleges that the said Delta Tau Delta Society is one of the many of the highly respected societies of many years standing, not only among the students and alumni of the said college but among the students and alumni of many other colleges of high standing in the United States and State of Iowa. That such society was commonly known as Greek Fraternities from the fact that they are usually named from letters of the Greek Alphabet. That said Delta Tau Delta society was organized for the purpose of and its objects and aim is to elevate the standard of education and to secure among its members advanced culture of education and in liberal arts and sciences, and that the basis of the said society is morality and that there is nothing the constitution or objects of the said society which is inimical to the constitution and laws of the United States or to the constitution or laws of the State of Iowa; and that its true purpose is to promote the moral and educational interests of its members, the thorough interest and learning and the highest possible interest of its membership and that among its members are found professors of colleges and lawyers and physicians and numbering many persons of almost every college distinguished for their intellectual and moral worth.

Par. 6. Your petitioner further says that notwithstanding the said suspension ~~has~~ applied to the said president of said college for admission thereto but that the said president refused to reinstate him unless your petitioner will resign his membership and refuse to affiliate with the said Delta Tau Delta, with which said requirements your petitioner has refused to comply and still refuses for the reason that the said requirements so made by the said president are unjust, unreasonable and unlawful, and your petitioner-erought not to be compelled to surrender any of said rights and privileges in said society, and as a citizen of the State of Iowa, for the purpose of obtaining his education in the said free institution of said State. And your petitioner further alleges and charges that the said requirement has been approved by the said trustees of the said college and that the said president has been directed to insist upon the said requirement which your petitioner cannot in justice to himself, and to his rights as a citizen in the said State, and in said society, submit to.

Par. 7: That unless the said president and said board of trustees are directed and required to admit your petitioner to the said institution for the purpose of completing his said course already begun in said institution, your petitioner will be deprived of the privilege of completing his said course as a mechanical and electrical engineer and to his great and irreparable injury.

Count 2.

Your petitioner further shows that there was a number of persons in attendance upon said college who were members of the said Delta Tau Delta society of which your petitioner is a member; who joined the same a long time prior to the time your petitioner was admitted to membership therein, but that for some reason the said defendants have refused to suspend the said persons from the said institution and that the only reason assigned to your petitioner is that by the rules of the said college in force at the time your petitioner became a member of the said college the said persons then members of the said Delta Tau Delta society were privileged to continue in membership but that all persons becoming members of said college after that time were not so privileged. Your petitioner further shows that the said defendants have by reason of their said acts discriminated against your petitioner in favor of the

Don't forget to mention that you were a member of the Delta Tau Delta society who were such members prior to the time he became a member thereof, and that such discrimination is unjust, unreasonable and unlawful.

WHEREFORE your petitioner prays that a peremptory writ of mandamus issue herein requiring the said W. M. Beardshear et al, to forthwith reinstate your petitioner in the said college and that he may be given all the instruction missed by him by reason of the said suspension or expulsion, and for his reasonable costs and charges in this behalf expended.

Orris W. Roberts, by  
Park & Odell, Attorneys.

Duly verified.