

No. 91, SEPTEMBER TERM, 1961
(LEAVE BLANK)

TRANSCRIPT OF RECORD

FROM THE

CRIMINAL COURT OF BALTIMORE
(~~Twelve appeals in one record~~)

IN THE CASE OF

~~ROBERT MACK BELL, LOVELLEN P. BROWN, ARIMENTHA D. BULLOCK, ROSETTA GAINY,
ANNETTE GREEN, ROBERT M. JOHNSON, RICHARD MCKOY, ALICETEN E. MANGUM,
JOHN R. QUARLES, SR., MURIEL B. QUARLES, LAWRENCE M. PARKER and BARBARA
F. WHITTAKER~~
et al

Appellants

VS.

STATE OF MARYLAND

Appellee

TO THE
COURT OF APPEALS OF MARYLAND

Juanita J. Mitchell, Esq. ✓ La. 3-1142
1239 Druid Hill Avenue,
Baltimore-17-Maryland.

FOR APPELLANTS

Tucker R. Dearing, Esq. ✓ Pe. 2-6651
627 N. Aisquith Street,
Baltimore-2-Maryland.

Honorable Thomas B. Finan ✓
Attorney General of Maryland

FOR APPELLEE

Honorable Saul A. Harris ✓
State's Attorney of Baltimore City

James W. Murphy
Assistant State's Attorney of Baltimore City

Filed 11/11/61 26 1961
(LEAVE BLANK)

I N D E X

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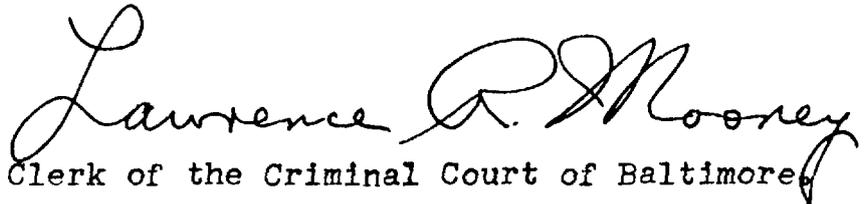
* * * * *

March 24, 1961-----As to Bell, etal, Costs \$89.00 paid Sheriff.
March 24, 1961-----Memorandum Opinion filed. Byrnes, Judge.
April 12, 1961-----As to each: An Appeal to the Court of Appeals
of Maryland, filed.
April 28, 1961-----Order of Court that the time for filing the
Transcript of Testimony be extended to and
including 26 May, 1961, filed. Byrnes, Judge.
May 18, 1961-----Transcript of Testimony filed. Transcript No.
#1800.
May 22, 1961-----Appearance of Robert B. Watts, Esq., stricken out.

STATE OF MARYLAND, CITY OF BALTIMORE, To Wit:

I HEREBY CERTIFY, that the foregoing is a true Copy of the
Docket Entries in the aforesaid Case, taken and copied from the Rec-
ord of Proceedings of the Criminal Court of Baltimore.

IN TESTIMONY WHEREOF, I hereto set my hand and affix the Seal
of the Criminal Court of Baltimore, this Twenty-second day of May,
A. D., 1961.


Clerk of the Criminal Court of Baltimore

THE COURT OF APPEALS — ANNAPOLIS, MARYLAND

April 9, 1965

Tucker R. Dearing, Esq.
Attorney at Law
627 Aisquith Street
Baltimore, Maryland 21202

Dear Sir:

The Court has considered the motion for order vacating judgment, etc. in the case of Robert Mack Bell, et al. vs. State of Maryland, No. 91, September Term, 1961. For your information, an Order of Court was filed in the matter today and a copy is enclosed.

The Clerk of the Criminal Court of Baltimore has been instructed to attach a copy of this Order to the supplemental mandate issued from this office on October 23, 1964. ✓

Very truly yours,

J. LLOYD YOUNG

Clerk

JLY/ojr
Enclosure

cc: Lawrence R. Mooney, Esq.,
Clerk, Criminal Court of Baltimore
Office of the Attorney General
Mrs. Juanita Jackson Mitchell,
Attorney at Law
Office of the State's Attorney of Baltimore City

ROBERT MACK BELL, et al

v.

STATE OF MARYLAND

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*
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In The
Court of Appeals
of Maryland
No. 91
September Term, 1961

O R D E R

Upon consideration of the motion for order vacating judgment of conviction, or in the alternative, to set case for argument on rehearing,

It is, this 9th day of April, 1965, ORDERED by the Court of Appeals of Maryland that the supplemental mandate of this Court filed on October 23, 1964, affirming the judgments of the Criminal Court of Baltimore be, and the same is hereby, vacated, and it is further

ORDERED that the judgments of the Criminal Court of Baltimore be, and they are hereby, reversed with costs, and it is further

ORDERED that the Mayor and City Council of Baltimore pay the court costs below and in this Court, and that the State of Maryland pay the sum of four hundred and sixty-two dollars and ninety-three cents (\$462.93) to Robert Mack Bell, et al, for their costs expended in the prosecution of their appeal to the Supreme Court of the United States, as directed by that Court.

/s/ Stedman Prescott

Chief Judge

No. 91

SEPTEMBER TERM, 1961

ROBERT MACK BELL, et al.,

Appellants,

v.

STATE OF MARYLAND,

Appellee.

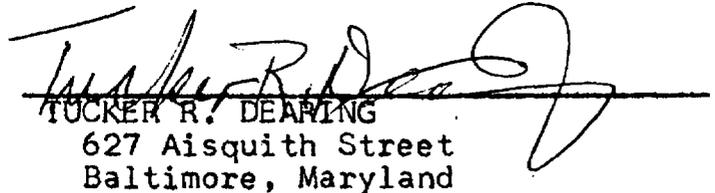
MOTION FOR ORDER VACATING JUDGMENT OF
CONVICTION OR, IN THE ALTERNATIVE, TO
SET CASE FOR ARGUMENT ON REHEARING

This Court filed an opinion, October 22, 1964, again affirming appellants' convictions after remand of this case by the United States Supreme Court. Appellants requested rehearing, directing the court's attention to the pendency of similar issues in the United States Supreme Court. This Court granted rehearing and deferred argument awaiting the outcome of those cases which were Hamm v. City of Rock Hill and Lupper v. State of Arkansas.

The issues involved have been settled by the Supreme Court in accord with the appellants' arguments that such prosecutions are abated by the Civil Rights Act of 1964. The abovementioned cases were decided in a single opinion, sub nom. Hamm v. City of Rock Hill, 379 U.S. 306, on December 14, 1964. The Hamm opinion was again followed in Blow v. North Carolina, 33 U.S.L. Week 3264 (U. S. Sup. Ct., February 1, 1965). Appellants submit that these rulings are completely dispositive of the present

case and that the convictions should be reversed without further argument. However, if the court desires further argument, we request that the case be set as early as may be convenient because numerous trial courts in the State of Maryland are awaiting the final disposition of this case.

Respectfully submitted,


TUCKER R. DEERING
627 Aisquith Street
Baltimore, Maryland

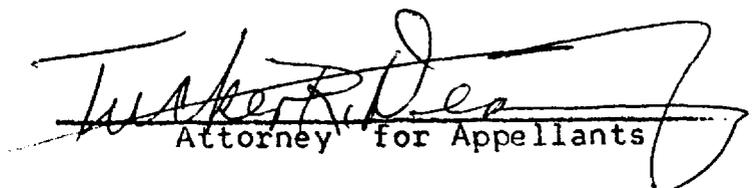
JUANITA JACKSON MITCHELL
1239 Druid Hill Avenue
Baltimore, Maryland

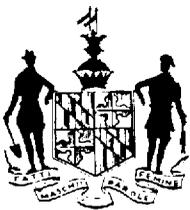
JACK GREENBERG
JAMES M. NABRIT, III
10 Columbus Circle
New York 19, New York

Attorneys for Appellants

CERTIFICATE OF SERVICE

I hereby certify that on the 30th day of March, 1965, I served a copy of the foregoing Motion for Order Vacating Judgment of Conviction Or, in the Alternative, to Set Case for Argument on Rehearing on the Honorable Thomas B. Finan, Attorney General of the State of Maryland; Robert C. Murphy, Esq., Deputy Attorney General, Baltimore, Maryland; and William J. O'Donnell, Esq., State's Attorney for Baltimore City, by United States mail, postage prepaid, addressed as indicated above.


Attorney for Appellants



J. LLOYD YOUNG
CLERK

Court of Appeals of Maryland

Annapolis, Md. 21404

TELEPHONES: 263-4261
263-2411

October 23, 1964

JAMES H. NORRIS, JR.
CHIEF DEPUTY

OLIVE JANE RICHARDS
VIRGINIA STEHLE HUBBARD
MARY J. MORRIS
DEPUTIES

Mr. Lawrence R. Mooney, Clerk
Criminal Court of Baltimore
Court House
Baltimore, Maryland 21202

RE: Robert Mack Bell, et al v. State of Maryland
No. 91 - September Term, 1961

Dear Mr. Mooney:

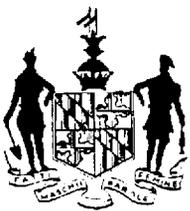
The above entitled case was remanded to this Court for further proceedings. The opinion was filed on October 22, 1964 and the enclosed Supplemental Mandate and opinion should be attached to the Mandate dated February 8, 1962.

Very truly yours,

James H. Norris, Jr.
Chief Deputy

Encl.

RECEIVED
CRIMINAL COURT
BALTIMORE, MD.
OCT 27 10 22 AM '64
LAWRENCE R. MOONEY
CLERK



J. LLOYD YOUNG
CLERK

Court of Appeals of Maryland

Annapolis, Md. 21404

TELEPHONES: 263-4261
263-2411

August 10, 1964

JAMES H. NORRIS, JR.
CHIEF DEPUTY

OLIVE JANE RICHARDS
VIRGINIA STEHLE HUBBARD
MARY J. MORRIS
DEPUTIES

Mr. Lawrence R. Mooney, Clerk
Criminal Court of Baltimore
Court House
Baltimore, Maryland 21202

Ind. 2523, Docket 1960

RE: Robert Mack Bell, et al v. State of Maryland
No. 91 - September Term, 1961

Dear Mr. Mooney:

The above case is to be argued (after remand by the Supreme Court of the United States) in this Court in September, 1964, in accordance with this Court's order dated July 31, 1964.

Since the transcript was previously returned to your court with our mandate on February 8, 1962, it is necessary that we recall this record and request that it be returned.

Thank you for your consideration in this matter.

Very truly yours,

James H. Norris, Jr.
Chief Deputy

JHNjr/h

S U P P L E M E N T A L
MANDATE

Court of Appeals of Maryland

No. 91 , September Term, 19 61

Robert Mack Bell, et al

v.

State of Maryland

(continued from Mandate dated February 8, 1962)
 June 14, 1963: Order allowing certiorari received from Supreme Court of the United States, dated June 10, 1963.
 June 26, 1964: Opinion received from Supreme Court, dated June 22, 1964. Judgment vacated and remanded to this Court.
 July 20, 1964: Mandate dated July 17, 1964, received from Supreme Court of the United States.
 July 31, 1964: Order of this Court filed setting case for hearing during 1964 September session.
 October 22, 1964: Judgments affirmed, with costs. Opinion by Hammond, J., in which Oppenheimer, J. dissents. Dissenting Opinion by Oppenheimer, J.

STATEMENT OF COSTS:

In Circuit Court:

Record
 Stenographer's Costs

In Court of Appeals: ON REMAND

Filing Record on Appeal	Not Furnished by Counsel	
Printing Brief for Appellant	Not Furnished by Counsel	
Reply Brief		
Portion of Record Extract — Appellant		
Appearance Fee — Appellant		\$ 10.00
Printing Brief for Appellee		120.10
Portion of Record Extract — Appellee		
Appearance Fee — Appellee		10.00

RECEIVED
 ORIGINAL COURT
 BALTIMORE, MD
 OCT 27 10 22 AM '64
 LAWRENCE R. MOONEY
 CLERK

STATE OF MARYLAND, Sct:

I do hereby certify that the foregoing is truly taken from the record and proceedings of the said Court of Appeals.

In testimony whereof, I have hereunto set my hand as Clerk and affixed the seal of the Court of Appeals, this twenty-third day of October A. D. 19 64.


 Clerk of the Court of Appeals of Maryland.

Costs shown on this Mandate are to be settled between counsel and NOT THROUGH THIS OFFICE

IN THE COURT OF APPEALS OF MARYLAND

No. 91

September Term, 1961

ROBERT MACK BELL, et al.

v.

STATE OF MARYLAND

Henderson, C. J.
Hammond
Frescott
Horney
Marbury
Sybert
Oppenheimer,
JJ.

Opinion by Hammond, J.
Oppenheimer, J. dissents

Filed: October 22, 1964

The appellants were convicted in 1961 in the Criminal Court of Baltimore of violation of Code (1957), Art. 27, Sec. 577 (Trespass), which prohibits "wanton trespass upon the private land of others." They were civil rights demonstrators who sat in Hooper's restaurant in Baltimore, refusing to leave until the establishment departed from its fixed practice of not serving negroes. The judgments of conviction were affirmed by this Court in January 1962, Bell v. State, 227 Md. 302, and the appellants sought certiorari from the Supreme Court of the United States, which granted the writ, but not until June 10, 1963. Bell v. Maryland, 374 U. S. 805, 10 L. Ed. 2d 1030. Meanwhile, on March 29, 1963, the General Assembly of Maryland enacted a public accommodations law, applicable to Baltimore City and twelve of Maryland's twenty-three counties, which took effect on June 1, 1963. This law, which is to be found in Code (1964 Supp.), Art. 49B (Interracial Commission), Sec. 11, made it unlawful for the owner or operator of a place of public accommodation, as defined, to refuse or deny the accommodations, facilities or privileges of the place to any person because of his race, creed, color or national origin.¹ Thus the effect of the 1963 State statute was

¹On March 14, 1964, the General Assembly re-enacted the provisions of the 1963 law and gave it State-wide application. The

to make the trespass act inapplicable to places of public accommodation in Baltimore and the covered Counties.

On June 22, 1964, the Justices of the Supreme Court handed down their opinions in the case before us. See Bell v. Maryland, 378 U. S. 226, 12 L. Ed. 2d 822. Chief Justice Warren and Justices Clark, Brennan, Stewart, and Goldberg, in an opinion by Mr. Justice Brennan, explained their votes to remand the case to this Court for further consideration, in light of the changes in the statutory law of the State which had been made after the convictions of the appellants in the Criminal Court of Baltimore. Mr. Justice Black in dissent, joined by Justices Harlan and White, urged that the Fourteenth Amendment did not prohibit the owner of a restaurant from refusing service to negroes. Mr. Justice Goldberg and Chief Justice Warren, although joining in the majority opinion, dissented from the dissent, in a separate opinion and Mr. Justice

1 (cont'd) 1964 law provided that it was to go into effect on June 1, 1964, but petitions were filed calling for a referendum which, if valid, would suspend the operation of the law under Art. XVI of the Maryland Constitution. The validity of these petitions was attacked in proceedings now pending in the Circuit Court of Baltimore City. That court recently ordered the referendum to go on the 1964 general election in November.

Baltimore City enacted an ordinance like the State public accommodations law (Ordinance No. 1249) on June 8, 1962, shortly before the passage of the State law. That ordinance was declared invalid by the Superior Court of Baltimore City, on the ground that it was in conflict with the State Criminal Trespass statute, a public general law, and, hence, beyond the power of the City to enact. Karson's Inn, Inc. v. Mayor & City Council of Baltimore, Daily Record, February 4, 1963. This Court, on August 6, 1964, dismissed the appeal as moot, because the General Assembly of Maryland by Ch. 453 of the Laws of 1963, without otherwise changing the statute, had repealed and re-enacted the Criminal Trespass Act to provide that nothing therein contained should preclude the Mayor and City Council of Baltimore from enacting a public accommodations act, and that the City had enacted such an ordinance, Ordinance 103, approved February 26, 1964.

Douglas, with the support of Mr. Justice Goldberg, filed an opinion which gave the reasons for his vote to reach the merits and reverse outright the judgments of conviction.

In the opinion of the majority, Mr. Justice Brennan said the Court did not reach the constitutional issues presented for the reasons: (a) Maryland had, since the convictions, abolished the crime of which the appellants were convicted; (b) an appellate Court will apply the law in effect at the time of final judgment; (c) that the judgments in the present cases were not yet final because they were still on review in the Supreme Court (thus making a case where a change in the law has occurred "* * * pending an appeal on a writ of error from the judgment of an inferior court," as in Keller v. State, 12 Md. 322, 326); and (d) it would thus seem that the Maryland Court of Appeals would take account of supervening changes in the law and apply the principle that a statutory offense which has ceased to exist is no longer punishable at all, and reverse the convictions of the appellants.

Mr. Justice Brennan reached these conclusions upon an interpretation, as the eyes of a majority of the Supreme Court saw it, of (a) the common law of Maryland, and (b) the effect and operation of Maryland's general savings clause, Code (1957), Art. 1, Sec. 3, which reads as follows:

"The repeal, or the repeal and re-enactment, or the revision, amendment or consolidation of any statute, or of any section or part of a section of any statute, civil or criminal, shall not have the effect to release, extinguish, alter, modify or change, in whole or in part, any penalty, forfeiture or liability, either civil or criminal, which

shall have been incurred under such statute, section or part thereof, unless the repealing, repealing and re-enacting, revising, amending or consolidating act shall expressly so provide; and such statute, section or part thereof, so repealed, repealed and re-enacted, revised, amended or consolidated, shall be treated and held as still remaining in force for the purpose of sustaining any and all proper actions, suits, proceedings or prosecutions, civil or criminal, for the enforcement of such penalty, forfeiture or liability * * *."

As to the common law, Mr. Justice Brennan said (page references will be to 378 U. S.):

"For Maryland follows the universal common-law rule that when the legislature repeals a criminal statute or otherwise removes the State's condemnation from conduct that was formerly deemed criminal, this action requires the dismissal of a pending criminal proceeding charging such conduct. The rule applies to any such proceeding which, at the time of the supervening legislation, has not yet reached final disposition in the highest court authorized to review it." (p. 230) (emphasis supplied)

As to the Maryland savings clause statute, Mr. Justice Brennan said that upon examination of that statute and the relevant Maryland cases the Court was "far from persuaded" that this Court would hold the savings clause statute applicable to save the convictions. The opinion suggests that since the saving clause refers only to the "repeal," "repeal and re-enactment," "revision," "amendment" or "consolidation" of any statute or part thereof, it does not in terms apply to the present situation because "the effect wrought by the supervening public accommodations laws upon the criminal trespass statute/would seem to be properly described by none of these terms." (p. 233) It was then said:

"The only two that could even arguably apply are 'repeal' and 'amendment.' But neither the city nor the state public accommodations enactment gives the slightest indication that the legislature considered itself to be 'repealing'

or 'amending' the trespass law. Neither enactment refers in any way to the trespass law, as is characteristically done when a prior statute is being repealed or amended. This fact alone raises a substantial possibility that the saving clause would be held inapplicable, for the clause might be narrowly construed - especially since it is in derogation of the common law and since this is a criminal case - as requiring that a 'repeal' or 'amendment' be designated as such in the supervening statute itself."
 (pp 233-4)

Further, Justice Brennan suggested that:

"* * * even if the word 'repeal' or 'amendment' were deemed to make the saving clause prima facie applicable, that would not be the end of the matter. There would remain a substantial possibility that the public accommodations laws would be construed as falling within the clause's exception: 'unless the repealing act shall expressly so provide.'" (p. 236)

The Court found support for this possibility in "public policy considerations" ("a legislature that passes a public accommodations law making it unlawful to deny service on account of race probably did not desire that persons should still be prosecuted and punished for the 'crime' of seeking service from a place of public accommodations which denies it on account of race.") (p. 235) and because while most criminal statutes speak in the future tense, and so apply only prospectively, the state enactment speaks in the present tense and provides that "it is unlawful for an owner or operator * * *" (emphasis supplied) and this Court in Beard v. State, 74 Md. 130, found the use of the word "shall" an indication that the statute was prospective and not intended to apply to past cases.

The appellants adopt and urge the suggestions and reasoning of Mr. Justice Brennan's opinion for the majority of the Supreme

Court and add the argument that the passage of the Federal Civil Rights Act of 1964 (Public Law 88-352, 78 Stat. 241) on July 2, 1964, after the remand by the Supreme Court, overrides State law and abates the convictions presently under review.

The State takes the position that since the acts of trespass here involved were conducted without violence or outrage, by students with a bona fide belief that their conduct was constitutionally privileged, and the Legislature has made conduct like that of the appellants lawful and the resulting conduct, like that of the owner and operator of Hooper's restaurant, unlawful, "no real interest of the State would likely suffer were these convictions vitiated," but that the applicable and controlling State law inexorably requires affirmances, and that no federal law overrides this State law, so that no skirting or ingenious interpretation of the cases or the statute law can be availed to bring about reversal of the judgments of conviction.

There is much to be said for the position of the State that no harm to the general welfare of the State would be done and that a desirable public result would be achieved if the convictions were reversed, as the Supreme Court urges, but we, reading the Maryland law to have the ineluctable meaning that the State argues it has, feel constrained to avoid making bad law because the cases may be hard, and to apply the law as we find it to be.

It is clear that the common law of Maryland is that the repeal of a statute creating a criminal offense, after conviction

under the statute but before final judgment, including the final judgment of the highest court empowered to review the conviction, requires reversal of the judgment, because the decision must accord with the law as it is at the time of final judgment, Keller v. State, *supra*; State v. Clifton, 177 Md. 572; and the general rule would seem to be the same, United States v. Schooner Peggy, 1 Cranch 103; 1 Sutherland, Statutory Construction (3rd Ed.1943), Sec. 2043, p. 524. Maryland has applied the rule to situations where the Legislature has not repealed the prior law expressly or in terms but has passed a subsequent independent act, complete in itself, the terms of which necessarily were repugnant to or destroyed the earlier act, in whole or in part, and so had effected a repeal or amendment by implication, and has done so as to statutes creating crimes. Davis v. State, 7 Md. 151, 159 (constitutional provision that no law shall be revived, amended or repealed by reference to its title or section only does not apply to new independent act, establishing a new policy or reversing a previous policy of the State, for "the very fact of establishing a particular rule of conduct for the public, presupposes an intention on the part of the legislature, that a contrary rule should not prevail, and therefore the enactment of one law, is as much a repeal of all inconsistent laws, as if those inconsistent laws had been repealed by express words."); State v. Gambrill, 115 Md. 506 (penal statute repealed by implication by a later independent act since the two were repugnant in their provisions and both

(at page 513)
could not stand and be executed at the same time). In Gambrill /
the sustaining of a demurrer to the indictment below was affirmed
by this Court in 1911 because "* * * after the repeal of a law
no penalty can be enforced nor punishment imposed for its viola-
tion, when in force, without a saving clause in the repealing
statute * * *." The Legislature apparently took the hint for
in 1912 it passed two general savings clauses (Ch. 120 and Ch.
365 of the Laws of 1912), which together now comprise the substance
of Sec. 3 of Art. 1 of the Code. See also McDonagh v. Matthews-
Howard Co., 160 Md. 264.

We think it too plain for argument that the passage of the
public accommodations law by the Maryland Legislature brought
about a fundamental change in the State trespass act. It made
lawful in a variety of given situations what before its passage
would have been unlawful in those situations. In those situations
specified by the public accommodations law, that law and the
trespass act cannot stand together and both be executed, and to
that extent, the two are repugnant and in irreconcilable conflict.
On January 31, 1963, the Superior Court of Baltimore in Karson's
Inn, Inc. v. Mayor and City Council of Baltimore, Daily Record,
February 4, 1963, declared invalid, as in conflict with Code
(1957), Art. 27, Sec. 577 (the Wanton Trespass section), Ordinance
No. 1249 of the Mayor and City Council of Baltimore, approved
June 8, 1962, which prohibited places of public accommodation,
as defined, from denying services or facilities to any person
because of his race. Soon thereafter the Maryland Legislature

by Ch. 453 of the Laws of 1963 amended Sec. 577 of Art. 27 of the Code by adding a proviso that nothing therein should preclude Baltimore City from enacting public accommodations legislation similar to that declared invalid by the Superior Court. There can be no real doubt of the legislative recognition that there was repugnancy and irreconcilable conflict between the wanton trespass section of the Code and the public accommodations laws, such as Ordinance 1249 and Ch. 227 of the Laws of 1963 (the State public accommodations law, Sec. 11 of Art. 49B of the Code) which it had passed before it amended Sec. 577 of Art. 27. (The public accommodations law was passed March 29 and the amendment to the wanton trespass section April 17.) Indeed, the Supreme Court in its remanding opinion shows its recognition of a fundamental change in the trespass act in its expressed expectation that this Court will reverse the convictions because the passage of the public accommodations statute made the former criminal conduct of the appellants a crime that no longer existed.

The suggestion in the opinion of Mr. Justice Brennan for a majority of the Supreme Court that the public accommodations law and ordinance did not repeal or amend the wanton trespass act because "* * * neither the city nor the state * * * enactment gives the slightest indication that the legislature considered itself to be 'repealing' or 'amending' the trespass law"; and neither "* * * enactment refers in any way to the trespass law, as is characteristically done when a prior statute is being repealed or amended" (p. 233) simply will not wash. The action

of the Legislature in amending the trespass act to remove in terms the conflict between that controlling State law and a municipal public accommodations ordinance, after it had passed a state public accommodations law which in necessary effect and result made a fundamental change in the trespass law, gives rise to an almost inescapable inference that the Legislature knew it was repealing in part, or amending, the trespass law when it passed the State public accommodations act.

There are innumerable decisions in almost every state and in the federal courts holding that a subsequent independent statute, complete in itself, which alters or changes a prior act in such a way that the two are repugnant and cannot stand together, in whole or in part, effects a repeal or an amendment of the earlier act even though there is no reference whatever in the later act to the earlier. "An implied amendment is an act which purports to be independent of, but which in substance alters, modifies, or adds to a prior act." 1 Sutherland; Statutory Construction (3rd Ed. 1943), Sec. 1913, p. 365. "The definition of an implied amendment is purely formal - it is an amendment that does not state that it is an amendment." Sutherland, op. cit., Sec. 1920, p. 382, and also see Sutherland, op. cit., Secs. 1901 and 1921.

9,

In Chase v. United States, 256 U. S. 1, 65 L. Ed. 801, ~~xxxx~~ the Court held that a federal act of 1912 impliedly repealed a similar act/on the same subject matter ~~xx xxxxx~~ because it was plain that both acts could not be carried out, saying of the
of 1882

later act: "It supersedes, therefore, that act though it contains no repealing words." See also United States v. LaFranca, 282 U. S. 568, 75 L. Ed. 551 (a section of an independent act, original in form, which in effect added a provision to an existing act was held **amendatory** thereof); Baxter v. McGee, 82 F. 2d 695 (8th Cir.); United States v. Lapp, 244 Fed. 377, 383 (6th Cir.); Vance v. Safeway Stores, 239 F. 2d 144, 145/ (10th Cir.); Balian Ice Cream Co. v. Arden Farms Co., 94 F. Supp. 796, 798-9 (S. D. Cal.).

Yankwich, J. said:

"Whether an act is amendatory of existing law is determined not by title alone, or by declarations in the new act that it purports to amend existing law. On the contrary, it is determined by an examination and comparison of its provisions with existing law. If its aim is to clarify or correct uncertainties which arose from the enforcement of the existing law, or to reach situations which were not covered by the original statute, the act is amendatory, even though in its wording it does not purport to amend the language of the prior act. Whatever supplements existing legislation, in order to achieve more successfully the societal object sought to be obtained may be said to amend it."

See also Robbins v. Omnibus R. Co., 32 Cal. 472; State v. Gerhardt (Ind.), 44 N. E. 469, and State v. Chadbourne, 74 Me. 506, 508, where the Court said:

"And it is the effect, not the name given to an act that determines its character. If a subsequent statute does in fact modify and change the proceedings to be had under a former act, the later act is an amendment of the earlier act and must be so regarded and treated, although it is not so called in the act itself."

Many of the cases recognize that repeals and amendments by implication - equating the two - are not favored but will not be refused recognition in cases of manifest repugnancy or irrecon-

of these are
 citable conflict. Some ~~xxxxxx~~ Watson v. Strohl (Ind.), 46 N. E.
 2d 204; State v. LaRue's, Inc. (Ind.), 154 N. E. 2d 708, 712;
Co-Ordinated Transport v. Barrett (Ill.), 106 N. E. 2d 510, 515;
Jordan v. Metropolitan San. Dist. of Greater Chicago (Ill.), 155
 N. E. 2d 297, 303; State v. Fowler (Ore.), 295 P. 2d 167, 173;
Rickards v. State (Del.), 77 A. 2d 199, 203; Bedingfield v.
Parkerson (Ga.), 94 S. E. 2d 714, 718; ^{see also} 82 C. J. S. Statutes Secs
 252, 262, pp. 418, 432.

Maryland has been in accord with the authorities elsewhere
 (including the fact that the repealing or amending act need not
 in terms refer to the earlier act) although the cases in this
 State where there has been only a partial repugnancy have thought
 of and referred to the result as a repeal by implication pro
 tanto, rather than as an amendment by implication. See Miggins
v. Mallott, 169 Md. 435; Beall v. Southern Md. Agri. Asso., 136
 Md. 305, 311-312, and cases cited; Ulman v. State, 137 Md. 642,
 645, and cases cited; State v. Gambrill, Davis v. State, McDonagh
v. Matthews-Howard Co., all supra; Green v. State, 170 Md. 134,
 and Pennsylvania R. Co. v. Green, 171 Md. 63, 67-69.

Finding, as we do, that Ch. 453 of the Laws of 1963 (Code,
 1964 Supplement, Art. 49B, Sec. 11), by necessary and compelling
 implication repealed pro tanto, or similarly amended, Code (1957),
 Art. 27, Sec. 577, it follows that the provisions of the general
 saving clause statute, Code (1957), Art. 1, Sec. 3, (that repeal
 or amendment of a statute shall not release, extinguish or change

the criminal penalties imposed on the appellants unless the re-
 pealing statute "expressly so provide.")/The part of the saving
 clause statute here pertinent was taken from a similar clause
 enacted by Congress in 1871, 1 U. S. C. Sec. 109. The federal
 saving clause was applied by the Supreme Court in United States
v. Reisinger, 128 U. S. 398, 32 L. Ed. 480, and Great Northern
Ry. Co. v. United States, 208 U. S. 452, 52 L. Ed. 567. See also
United States v. Carter, 171 F. 2d 530/ (5th Cir.) Its effect is discussed
 in State v. Clifton, 177 Md. 572, 576, where the Court said:

"While the repeal of a statute prevents any further pro-
 ceedings thereunder at common law, it is well established
 that where there is a saving clause granting to the state
 or federal government the right to punish for offenses
 committed before the repeal, the general rule is rescinded.
 The saving clause may be contained in the repealing stat-
 ute, or it may be a general provision which applies to
 all penal statutes. In either case, it has the effect of
 continuing the repealed statute in force for the purpose
 of punishing for the offenses committed prior to the re-
 peal."

We see no basis for finding an express direction by the
 Legislature in the public accommodations law that existing crim-
 inal liabilities or penalties were to be extinguished. The Legis-
 lature must be presumed to have known that under Sec. 3 of Art. 1
 of the Code an express direction, in so many words, was required
 to show legislative intent to effect such an extinguishment.
 The demonstrated preoccupation of the Legislature with the effect
 of the public accommodations law on the trespass act strengthens
 the view that it would have been completely explicit in its di-
 rections had it wished to change the general rule established

by the saving clause.

The suggestion of Mr. Justice Brennan for the majority of the Supreme Court that the use of the present tense in the public accommodations law amounted to an express provision within the meaning of the general saving clause that existing criminal liabilities should be extinguished, under the reasoning of Beard v. State, supra, is, we think, much too tenuous and insubstantial to stand up. In the first place, Beard was decided years before the general saving clause became a part of Maryland law and the opinion recognizes that had the repealing statute contained an express saving of pending cases from its operation the prior penalty undoubtedly could have been imposed. In the second place the language of the public accommodations law that "it is unlawful" ~~xxxxxx~~ clearly means, we are convinced, that it is unlawful from and after the effective date of the act to do the proscribed things; that is, the passage of the act makes them unlawful. The Legislature knew that this Court, and other courts of the State, had held that it was lawful for owners and operators of the places defined in the act to refuse to serve those they did not choose to serve and to invoke the trespass act against those who refused to leave their property. The 1963 trespass act in terms applied only to certain named places and did not apply to other named places, and for this reason, if for no other, it must be inferred that the Legislature was not declaring in the act the existing Maryland common law or existing constitutional

rights but, rather, was creating new law, effective only from the date of its passage.

We have been referred to and found nothing to indicate a legislative intent that so much of the trespass act as was rendered nugatory by the accommodations law was not to survive to support past convictions for its violation.

Federal

Finally, we see nothing in the/Civil Rights Act of 1964 to indicate that it was to apply other than prospectively. It consistently uses the word "shall" which this Court found persuasive in Beard v. State, supra, to show prospective application. The general presumption is that all statutes, State and federal, are intended to operate prospectively and the presumption is found to have been rebutted only if there are clear expressions in the statute to the contrary. Retroactivity, even where permissible, is not favored and is not found, except upon the plainest mandate in the act. Bruner v. United States, 343 U. S. 112, 96 L. Ed. 786; Claridge Apts. Co. v. ~~Comm'r.~~ ^{Comm'r.} 323 U. S. 141, 89 L. Ed. 139. There is no expression in the/Civil Rights Act to rebut the usual presumption. If it were possible to reasonably discover from the terms of the act - we do not think it is - that the Congress intended the act to operate retrospectively, the owners and operators of covered establishments, who had discriminated before the passage of the act, would be subject to the sanctions of the act provided for such behavior and we are certain Congress intended no such result.

JUDGMENTS AFFIRMED, WITH COSTS.

IN THE COURT OF APPEALS OF MARYLAND

No. 91

SEPTEMBER TERM, 1961

ROBERT MACK BELL, et al

v.

STATE OF MARYLAND

Henderson, C.J.
Hammond
Prescott
Horney
Marbury
Sybert
Oppenheimer,
JJ.

DISSENTING OPINION

by

Oppenheimer, J.

Filed: October 22, 1961

Oppenheimer, J., dissenting:

The only difference between the majority of the Court and myself is on the issue of whether the convictions of the appellants for acts which, under the Maryland public accommodations law would today be legal, are to be upheld because of the saving clause statute. I agree with my brethren that the passage of the 1963 public accommodations law brought about a fundamental change in the criminal trespass statute; that, in the situations specified in the public accommodations law, the two enactments are repugnant and are in irreconcilable conflict; and that the common law of Maryland is that our decision must accord with the law as it is at the time of final judgment. It is undisputed that, because of the remand of the cases to us by the Supreme Court of the United States, after our affirmance of the convictions in Bell v. State, 227 Md. 302, 176 A.2d 771 (1962), and after the passage of the public accommodations law, the judgments of conviction have not become final. It is implicit in the opinion of the majority, and is clearly the law, that, apart from the operation of the saving clause statute, the convictions could not now stand. The majority holds, however, that, while the public accommodations law does not in terms amend or repeal the criminal trespass statute, the saving clause statute is nevertheless operative. With all due deference to the views of my brethren, I disagree.

The question is one of statutory construction, of phraseology and inferences, but as in other cases in which the Court must determine the meaning of legislative enactments, we must look to the nature and purpose of the statutes. Darnall v. Connor, 161 Md. 210, 155 Atl. 894 (1931); Shub v. Simpson, 196 Md. 177, 70 A.2d 332 (1950). The public accommodations law deals with important rights of the individual. In essence, it not only negates the criminal nature of certain acts which formerly constituted trespasses but it restricts the very property rights which the criminal trespass statute was designed, in part at least, to protect. The effect of the public accommodations law includes the removal of a property right which formerly existed and the substitution of an affirmative personal right. This is a positive and basic change in the rule which governs the law. The saving clause statute has the effect of continuing a prior criminal statute in force for the purpose of punishing offenses committed prior to a change in law which makes the same acts legal in the future. State v. Clifton, 177 Md. 572, 576, 10 A.2d 703 (1940). While the saving clause statute does not of itself impose a criminal penalty, it continues in effect penalties which, but for it, would be abolished, and therefore, in my opinion, should be subject to the same strict construction which applies to laws which impose the penalties in the first instance. The rights and liberties of the individual against the State are directly involved in both cases. ^{See} State v. Fleming, 173 Md. 192, 195 Atl. 392 (1937); Wanzer v. State, 202 Md. 601, 611, 97 A.2d 914 (1953)

The saving clause statute, by its terms, applies only to the "repeal, or the repeal and re-enactment, or the revision, amendment or consolidation of any statute, or of any section or part of a section of any statute." Code (1957) Article 1, Section 3. When there is such repeal or amendment, the act has the effect of continuing the repealed or amended statute in force for the purposes of punishing the offenses committed prior to the ^{amendment or} repeal. Where it is applicable, it affects a change in the common law.

The common law principle which the saving clause statute affects, when it is applicable, was stated by Chief Justice Marshall in these words:

"It is in the general true that the province of an appellate court is only to enquire whether a judgment when rendered was erroneous or not. But if subsequent to the judgment and before the decision of the appellate court, a law intervenes and positively changes the rule which governs, the law must be obeyed, or its obligation denied. If the law be constitutional * * * I know of no court which can contest its obligation * * * In such a case the court must decide according to existing laws, and if it be necessary to set aside a judgment, rightful when rendered, but which cannot be affirmed but in violation of law, the judgment must be set aside." United States v. Schooner Peggy, 1 Cranch 103, 110 (1801).

This language was cited with approval in Keller v. State, 12 Md. 322, 71 Am. Dec. (1858). In most of the decisions applying the principle, the subsequent legislation repealed or amended the

prior act under which there was a conviction. The rule applies also, however, where there is no repeal or amendment but where the effect of the prior law is abrogated or destroyed. 1 Sutherland, Statutory Construction, §2043 (3d ed. 1943); Berger v. Berger, 104 Wis. 282, 80 N.W. 585 (1899).

The majority/^{opinion}holds, in effect, that whenever the principle enunciated by Marshall and followed by us in Keller and subsequent cases comes into effect, it does so because the prior rule or statute has been repealed or amended, and that when, as in this case, the subsequent act contains no language of repeal or amendment, the repeal or amendment is to be implied, and therefore, the saving clause statute becomes operative. This reasoning, to me, disregards the distinction between invalidity of prior convictions because of subsequent legislative repeal or amendment and invalidity because of a fundamental change in the law - here, of basic individual and property rights - which, of itself, makes the prior convictions repugnant to present policy.

Many cases, applying the common-law rule, use language of implied repeal or amendment as a means of setting aside prior convictions in the light of subsequent enactments; they do not reach the other prong of the rule. None of the cases cited in the majority opinion on this point deals with the construction of a saving clause statute such as is here involved; they only go to the survival or setting aside of the prior conviction because of the subsequent change in law.

The effect of the majority opinion on the point is to

construe the saving clause statute to extend to any legislative change which makes prior illegal acts legal. The statute does not so read, and, in my opinion, should not be so construed.

Nor, in my opinion, did the Legislature in enacting the 1963 public accommodations law intend to save convictions under the criminal trespass statute by way of impliedly repealing in part or amending that act so that the saving clause statute would become operative. The enactment of the public accommodations law followed the passage of a Baltimore City ordinance to the same effect. The ordinance had been introduced after the appellants had been convicted and while their appeals from the convictions were pending in this Court. The ordinance was passed on the same day that the petition for certiorari from our decision affirming the convictions was filed in the United States Supreme Court. Further, the ordinance contained no saving clause, and it is generally held that state saving statutes do not apply to ordinances. Pleasant Grove City v. Lindsay, 41 Utah 154, 125 P. 389 (1912); Barton v. Corporation of Gadsten, 79 Ala. 495 (1885); In Re Yeoman, 227 N.Y.S. 711, 131 Misc. 669 (1928). On these facts, there is a strong inference that it was the intent of the Mayor and City Council that the ordinance should apply to the convictions of the appellants as well as to future similar actions. The General Assembly passed the public accommodations law when the validity of the City ordinance was under attack in substantially the same language as that of the City ordinance.

As the majority opinion points out, a few weeks after it had passed the 1963 public accommodations law, the Legislature repealed and re-enacted the criminal trespass statute. This re-enactment was in the same terms as those of the earlier act, except for the addition of a proviso enabling the Mayor and City Council of Baltimore to enact legislation such as its former ordinance. This re-enactment of the criminal trespass statute did not refer in any way to the public accommodations law. If, as the majority holds, the latter law repealed in part or amended the criminal trespass statute, it is reasonable to assume that, in re-enacting the trespass statute after it had passed the public accommodations law, the Legislature would have spelled out the changes which, in the opinion of the majority, it had intended to make. A more probable explanation of the legislative intent, it seems to me, is that the Legislature recognized by its acts that the public accommodations law did not repeal or amend the criminal trespass law but rather fundamentally changed public policy as to certain basic rights. It was that direct fundamental change, rather than implied legislative action, which vitiated the appellants' convictions.

In no prior case have we held that the saving clause statute operates to continue a former law in effect for the purpose of punishing an offense committed prior to the subsequent legislation where the later act did not either in terms eliminate the criminality of the defendant's action or change the penalties. Cf. State v. Clifton, supra; State v. Kennerly, 204 Md. 412, 104 A.2d 632 (1954).

the prior enactment. Under what seems to me to be a proper construction of the saving clause statute, which is penal in nature, there was no such **repeal** or amendment intended in the public accommodations law.

The judgments of convictions should be reversed.

City of Baltimore, to wit:

BE IT REMEMBERED, That on the 20th day of June
 in the year of our Lord, one thousand nine hundred and 60, before the Subscriber,
 a Police Justice of the State of Maryland, in and for the City of Baltimore, personally appeared _____
Robert Mack Bell Residence 2026 E. Hoffman St.
 and _____ Residence _____
 and _____ Residence _____

and acknowledge themselves each and severally, to owe and stand justly indebted to the State of Maryland, in the sum of _____ dollars current money of the United States. the said sum of money to be paid and levied of their bodies, goods and chattels, lands and tenements, respectively, to and for the use of the State of Maryland.

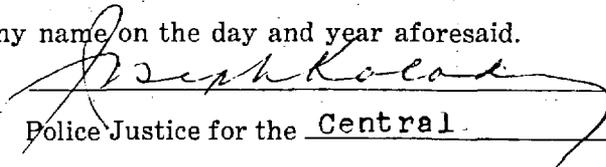
THE CONDITION of the above RECOGNIZANCE is such, that if the above bound _____
Robert Mack Bell

do and shall well and truly make his personal appearance before the Criminal Court of Baltimore, held, at the Court House in the City of Baltimore, When summoned

then and there to answer unto all such things as shall be alleged against her im, and particularly for Sect. 577, Art. 27, Annotated Code (1957 Edition), Trespassing upon the premises at Hooper's Restaurant, 1 W. Fayette St., after having been duly notified by the owner or his agents not to do so in Balto. City, State of Md.

on or about the 17th day of June, 1960, in Baltimore City, State of Maryland, and attend the said Court from day to day, and not depart thence without leave thereof; and in the meantime keep the peace, and be of good behavior; then the above Recognizance to be void, or otherwise to remain in full force and virtue in law.

In Testimony Whereof, I hereunto subscribe my name on the day and year aforesaid.

 (Seal)
 Police Justice for the Central District **3**

Pages 3 to 14, Incl.

FILED IN \$100⁰⁰
State of Maryland,
City of Baltimore, to wit:
com *J.H.C.*

2472
No. 1043 No. 2523

STATE
VS. *c/l/c*

Robert Mack Bell

Charge Trespassing

WITNESS

Gilbert C. Hooper, Sr.

1 W. Fayette St.

Lt. Redding, C.D.

Sgt. J. Sauer, C.D.

Sgt. John Grempler, C.D.

Albert Warfel

1 W. Fayette St.

PRESENTED

JUN 24 1960

[Signature]
Foreman

I, _____

hereby apply to become recognizer for _____

Robert Mack Bell

2026 E. Hoffman St.

I own and offer as security the following property: No. _____

It is in fee — leasehold, being subject to the annual ground rent of _____ dollars.

My interest therein is absolute and undivided, or is _____

the value of which is \$ _____ and is subject to the following mortgages, incumbrances and other recognizances:

The taxes are paid up to and including those for the year 19 _____

Address _____

Sworn to this 20th day of June, 19 60, before me.

[Signature] J. P. [Seal]
Police Justice for the Central District.

Filed JUN 21 1960 19 _____

City of Baltimore, to wit:

BE IT REMEMBERED, That on the 20th day of June in the year of our Lord, one thousand nine hundred and 60, before the Subscriber,

a Police Justice of the State of Maryland, in and for the City of Baltimore, personally appeared _____

Lovellen P. Brown Residence 1019 N Wolfe St.

and _____ Residence _____

and _____ Residence _____

and acknowledge themselves each and severally, to owe and stand justly indebted to the State of Maryland, in the sum of on own Recog. dollars current money of the United States. the said sum of money to be paid and levied of their bodies, goods and chattels, lands and tenements, respectively, to and for the use of the State of Maryland.

THE CONDITION of the above RECOGNIZANCE is such, that if the above bound _____

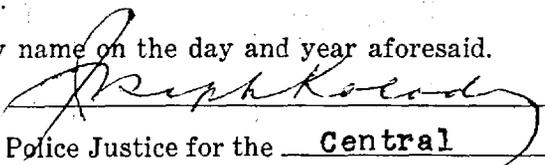
Lovellen P. Brown

do and shall well and truly make her personal appearance before the Criminal Court of Baltimore, held, at the Court House in the City of Baltimore, When summoned

then and there to answer unto all such things as shall be alleged against her, and particularly for Sect. 577, Art. 27, Annotateed code (1957 Edition) Trespassing upon the premises at Hoopers Restaurant, 1 W. Fayette St. after having been duly notified by the owners or his agent not to do so

on or about the 17th day of June, 19 60 in Baltimore City, State of Maryland, and attend the said Court from day to day, and not depart thence without leave thereof; and in the meantime keep the peace, and be of good behavior; then the above Recognizance to be void, or otherwise to remain in full force and virtue in law.

In Testimony Whereof, I hereunto subscribe my name on the day and year aforesaid.

 (Seal)
Police Justice for the Central District

4

Pages 3 to 14, Incl.

TAKE BAIL IN \$ 100⁰⁰
State of Maryland,

City of Baltimore, to wit:

g. H.

2471

No. 1042

No. 2523

STATE
VS.

C/17

Lovellen P1 Brown

Charge Trespassing

WITNESS

Lt. Redding C. D.

S t. Sauer, C. D.

Sgt. Grempler, C. D.

Gilbert C. Hooper

1 W. Fayette St.

PRESENTED

JUN 24 1960

[Signature]

Foreman

JUN 21 1960

Filed _____ 19 _____

I, _____

hereby apply to become recognizer for _____

self

I own and offer as security the following property: No. _____

It is in fee — leasehold, being subject to the annual ground rent of _____ dollars.

My interest therein is absolute and undivided, or is _____

the value of which is \$ _____ and is subject to the following mortgages, incumbrances and other recognizances:

The taxes are paid up to and including those for the year 19 _____

Address 1019 N. Wolfe St.

Sworn to this 20th day of June, 1960, before me.

[Signature] J. P. [Seal]
Police Justice for the Central District.

(Recog: to Answer Court)

City of Baltimore, to wit:

BE IT REMEMBERED, That on the 20th day of June

in the year of our Lord, one thousand nine hundred and Sixty, before the Subscriber, a Police Justice of the State of Maryland, in and for the City of Baltimore, personally appeared _____

~~AND~~ Arimentha D. Bullock Residence 1211 N. Caroline St.

and _____ Residence _____

and _____ Residence _____

and acknowledge themselves each and severally, to owe and stand justly indebted to the State of Maryland, in the sum of _____ dollars current money of the United States. the said sum of money to be paid and levied of their bodies, goods and chattels, lands and tenements, respectively, to and for the use of the State of Maryland.

THE CONDITION of the above RECOGNIZANCE is such, that if the above bound _____
Arimentha D. Bullock

do and shall well and truly make her personal appearance before the Criminal Court of Baltimore, held, at the Court House in the City of Baltimore, When Summoned

then and there to answer unto all such things as shall be alleged against her, and particularly for Sect. 577, Art. 27, Annotated Code (1957 Editbn), Trespassing upon the premises at Hooper's Restaurant, 1 W. Fayette St. after having been duly notified by the owner or his agents not to do so in Balto. City, State of Md.

on or about the 17th day of June, 1960, in Baltimore City, State of Maryland, and attend the said Court from day to day, and not depart thence without leave thereof; and in the meantime keep the peace, and be of good behavior; then the above Recognizance to be void, or otherwise to remain in full force and virtue in law.

In Testimony Whereof, I hereunto subscribe my name on the day and year aforesaid.

Joseph Kolod (Seal)
Police Justice for the Central District 5

Pages 3 to 14, Incl.

2470

2523

THE BALTIMORE
State of Maryland,

100⁰⁰

No. 1041

No.

City of Baltimore, to wit:

STATE
VS.

c/17

Arimentha D. Bullock

Charge Tresspassing

WITNESS

Gilbert D. Hooper, Sr.

1 W. Fayette St.

Lt. D. Redding, C.D.

Sgt. John Sauer, C.D.

Sgt. John Grempler, C.D.

AL Warfel
Hoopers Rest #1 W. Fayette St.

PRESENTED

JUN 24 1960

Foreman

I, _____

hereby apply to become recognizer for _____

Arimentha D. Bullock

1211 N. Caroline St.

I own and offer as security the following property: No. _____

It is in fee — leasehold, being subject to the annual ground rent of _____ dollars.

My interest therein is absolute and undivided, or is _____

the value of which is \$ _____ and is subject to the following mortgages, incumbrances and other recognizances:

The taxes are paid up to and including those for the year 19 _____.

Address _____

Sworn to this 20th _____ day of

June, 19 60, before me.

J. P. [Seal]

Police Justice for the Central District.

Filed JUN 21 1960 19

City of Baltimore, to wit:

BE IT REMEMBERED, That on the 20th day of June

in the year of our Lord, one thousand nine hundred and Sixty,

before the Subscriber, a Police Justice of the State of Maryland, in and for the City of Baltimore, personally appeared _____

Rosetta Gainey Residence 1249 N. Broadway

and _____ Residence _____

and _____ Residence _____

and acknowledge themselves each and severally, to owe and stand justly indebted to the State of Maryland, in the sum of Five Recy dollars current money of the United States. the said sum of money to be paid and levied of their bodies, goods and chattels, lands and tenements, respectively, to and for the use of the State of Maryland.

THE CONDITION of the above RECOGNIZANCE is such, that if the above bound _____

Rosetta Gainey

do and shall well and truly make h^{er} personal appearance before the Criminal Court of Baltimore, held, at the Court House in the City of Baltimore, when summoned

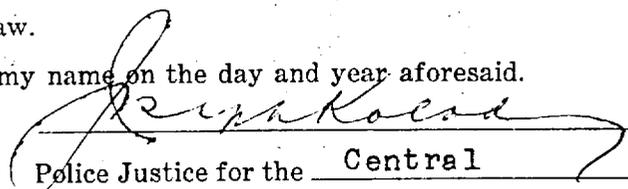
then and there to answer unto all such things as shall be alleged against h^{er}, and particularly for Sect. 577, Art. 27, Annotated Code (1957 Edition), Trespassing upon the premises at Hooper's Restaurant, 1 W. Fayette, after having been duly

notified by the owner or his agents not to do so, in Balto. City, State of Md.

on or about the 17th day of June, 1960, in Baltimore City.

State of Maryland, and attend the said Court from day to day, and not depart thence without leave thereof; and in the meantime keep the peace, and be of good behavior; then the above Recognizance to be void, or otherwise to remain in full force and virtue in law.

In Testimony Whereof, I hereunto subscribe my name on the day and year aforesaid.

 (Seal)
Police Justice for the Central District

6

Pages 3 to 14, Incl.

STATE OF MARYLAND
City of Baltimore, to-wit:

2473

No. 1044

No. 2523

Com

J. P. [Signature]

STATE
VS.

C/18

I, _____

Rosetta Gainey

hereby apply to become recognizer for
Rosetta Gainey

Charge Trespassing

1219 N. Broadway

WITNESS

I own and offer as security the following
property: No. _____

Gilbert C. Hooper Sr.

1 V. Fayette St.

It is in fee — leasehold, being subject to the
annual ground rent of _____ dollars.

Lt. D.P. Redding, C.D.

My interest therein is absolute and un-
divided, or is _____

Sgt. John Sauer, C.D.

the value of which is \$_____ and is subject
to the following mortgages, incumbrances
and other recognizances:

Sgt. John Grempler, C.D.

PRESENTED

The taxes are paid up to and including
those for the year 19_____.

JUN 24 1960

[Signature]
Foreman

Address _____

Sworn to this 20th _____ day of
June, 19 60, before me.

J. P. [Seal]

Police Justice for the Central District.

JUN 21 1960

Filed _____ 19_____

(Recog: to Answer Court)

City of Baltimore, to wit:

BE IT REMEMBERED, That on the 20th day of June

in the year of our Lord, one thousand nine hundred and Sixty, before the Subscriber, a Police Justice of the State of Maryland, in and for the City of Baltimore, personally appeared Annette Green Residence 1019 N. Wolfe St.

and Residence and Residence

and acknowledge themselves each and severally, to owe and stand justly indebted to the State of Maryland, in the sum of dollars current money of the United States. the said sum of money to be paid and levied of their bodies, goods and chattels, lands and tenements, respectively, to and for the use of the State of Maryland.

THE CONDITION of the above RECOGNIZANCE is such, that if the above bound Annette Green

do and shall well and truly make her personal appearance before the Criminal Court of Baltimore, held, at the Court House in the City of Baltimore, When Summoned

then and there to answer unto all such things as shall be alleged against her, and particularly for Sect. 577, Art. 27, Annotated Code (1957 Edition), Trespassing upon the premises at Hooper's Restaurant, 1 W. Fayette St. after having been duly notified by the owner or his agents not to do so in Baltimore City, State of Md.

on or about the 17th day of June, 1960, in Baltimore City. State of Maryland, and attend the said Court from day to day, and not depart thence without leave thereof; and in the meantime keep the peace, and be of good behavior; then the above Recognizance to be void, or otherwise to remain in full force and virtue in law.

In Testimony Whereof, I hereunto subscribe my name on the day and year aforesaid.

[Signature] (Seal) Police Justice for the Central District

7

Pages 3 to 14, Incl.

TAKE PAID IN \$

State of Maryland,

City of Baltimore, to-wit:

Com

100⁰⁰

[Handwritten signature]

I, _____

hereby apply to become recognizer for _____

~~John R. xxxxxxxx Sr.~~

Annette Green
1019 N. Wolfe St.

I own and offer as security the following property: No. _____

It is in fee — leasehold, being subject to the annual ground rent of _____ dollars.

My interest therein is absolute and undivided, or is _____

the value of which is \$ _____ and is subject to the following mortgages, incumbrances and other recognizances:

The taxes are paid up to and including those for the year 19 _____.

Address _____

Sworn to this 20th _____ day of

June, 19 60, before me.

Ralph Kolod J. P. [Seal]
Police Justice for the Central District.

2474

No. 1045

No. 2523

STATE

VS.

c/17

Annette Green

Charge Trespassing

WITNESS

Gilbert C. Hooper, Sr.

1 W. Fayette St.

Lt. D.P. Redding, C.D.

Sgt. John Sauer, C.D.

Sgt. John Grempler, C.D.

PRESENTED

JUN 24 1960

[Signature]
Foreman

JUN 21 1960

Filed _____ 19 _____

5703800
(Recog. to Answer Court)

117

(Recog: to Answer Court)

CD93890

City of Baltimore, to wit:

BE IT REMEMBERED, That on the 20th day of June in the year of our Lord, one thousand nine hundred and 60, before the Subscriber, a Police Justice of the State of Maryland, in and for the City of Baltimore, personally appeared Robert M. Johnson Residence 1711 N. Castle St. and _____ Residence _____ and _____ Residence _____

and acknowledge themselves each and severally, to owe and stand justly indebted to the State of Maryland, in the sum of on own Recog. dollars current money of the United States. the said sum of money to be paid and levied of their bodies, goods and chattels, lands and tenements, respectively, to and for the use of the State of Maryland.

THE CONDITION of the above RECOGNIZANCE is such, that if the above bound Robert M. Johnson

do and shall well and truly make his personal appearance before the Criminal Court of Baltimore, held, at the Court House in the City of Baltimore, when summoned then and there to answer unto all such things as shall be alleged against him, and particularly for Sect. 577, Art. 27, Annotated Code (1957 Edition) Trespassing upon the premises at Hoopers Restaurant, 1 W. Fayette St. after having been duly notified by the owner or his agent not to do so,

on or about the 17th day of June, 19 60, in Baltimore City, State of Maryland, and attend the said Court from day to day, and not depart thence without leave thereof; and in the meantime keep the peace, and be of good behavior; then the above Recognizance to be void, or otherwise to remain in full force and virtue in law.

In Testimony Whereof, I hereunto subscribe my name on the day and year aforesaid.

Joseph Kolada (Seal)
Police Justice for the Central District

8

Pages 3 to 14, Incl.

TAKE BAIL IN \$ 100⁰⁰
State of Maryland, City of Baltimore, to wit

CGM

gille

2475

No. 1046

No. 2523

STATE
VS.

C/17

I, _____

hereby apply to become recognizer for
Self

I own and offer as security the following
property: No. _____

It is in fee — leasehold, being subject to the
annual ground rent of _____ dollars.

My interest therein is absolute and un-
divided, or is _____

the value of which is \$_____ and is subject
to the following mortgages, incumbrances
and other recognizances:

The taxes are paid up to and including
those for the year 19_____

Address 1711 N. Castle St.

Sworn to this 20th day of

June, 19 60, before me.

Joseph Kolod J. P. [Seal]

Police Justice for the Central District.

Robert M. Johnson

Charge Trespassing

WITNESS

Lieut. Redding, C. D.

Sgt. Sauer, C. D.

SGt. Grempler C. D.

Gilbert C. Hooper,

1 W. Fayette St.

PRESENTED

JUN 24 1960

Hereman
Hereman

Filed JUN 21 1960 19__

1093091 (recog. to Answer Court)

(Recog: to Answer Court)

CD93891

17 - P. B.

City of Baltimore, to wit:

BE IT REMEMBERED, That on the 20th day of June in the year of our Lord, one thousand nine hundred and 60, before the Subscriber, a Police Justice of the State of Maryland, in and for the City of Baltimore, personally appeared Richard McKoy Residence 159 ~~Sixth~~ Colvin St. and _____ Residence _____ and _____ Residence _____

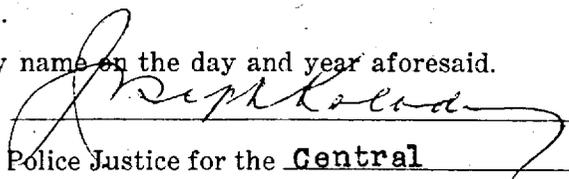
and acknowledge themselves each and severally, to owe and stand justly indebted to the State of Maryland, in the sum of on own Recog. dollars current money of the United States. the said sum of money to be paid and levied of their bodies, goods and chattels, lands and tenements, respectively, to and for the use of the State of Maryland.

THE CONDITION of the above RECOGNIZANCE is such, that if the above bound Richard McKoy

do and shall well and truly make his personal appearance before the Criminal Court of Baltimore, held, at the Court House in the City of Baltimore, when summoned then and there to answer unto all such things as shall be alleged against him, and particularly for sect. 577, Art. 27, Annotated Code (1957 Edition) trespassing upon premises at Hoopers Restaurant, 1 W. Fayette St. after having been duly notified by the owner or his agent not to do so

on or about the 17th day of June, 19 60 in Baltimore City, State of Maryland, and attend the said Court from day to day, and not depart thence without leave thereof; and in the meantime keep the peace, and be of good behavior; then the above Recognizance to be void, or otherwise to remain in full force and virtue in law.

In Testimony Whereof, I hereunto subscribe my name on the day and year aforesaid.

 (Seal)
Police Justice for the Central District

9

Pages 3 to 14, Incl.

TAKE BAIL IN \$ 100⁰⁰
State of Maryland, com City of Baltimore, to wit: J. K. K.

2477

No. 1048

No. 2523

STATE
VS.

C/17

Richard McKoy

Charge Trespassing

WITNESS

I. t. Redding C. D.

Sgt. Sauer, C. D.

Sgt. Grempler, C. D.

Gilbert C. Hooper, Sr. 1 W.

Wayette St.

PRESENTED

JUN 24 1960

[Signature]
Foreman

I, _____

hereby apply to become recognizer for _____
Self

I own and offer as security the following property: No. _____

It is in fee — leasehold, being subject to the annual ground rent of _____ dollars.

My interest therein is absolute and undivided, or is _____

the value of which is \$ _____ and is subject to the following mortgages, incumbrances and other recognizances:

The taxes are paid up to and including those for the year 19 _____.

Address 159 N. Colvin St.

Sworn to this 20th day of

June, 1960, before me.

[Signature] J. P. [Seal]
Police Justice for the Central District.

Filed JUN 21 1960

19 _____

Attog. to answer Court

C. P. I.

(Recogniz. to Answer Court)

City of Baltimore, to wit: CD 93884

BE IT REMEMBERED, That on the 20th day of June

in the year of our Lord, one thousand nine hundred and Sixty,

before the Subscriber, a Police Justice of the State of Maryland, in and for the City of Baltimore, personally appeared _____

Aliceteen E. Mangum Residence 1101 Argyle Ave.

and _____ Residence _____

and _____ Residence _____

and acknowledge themselves each and severally, to owe and stand justly indebted to the State of Maryland, in the sum of _____ dollars current money of the United States.

the said sum of money to be paid and levied of their bodies, goods and chattels, lands and tenements, respectively, to and for the use of the State of Maryland.

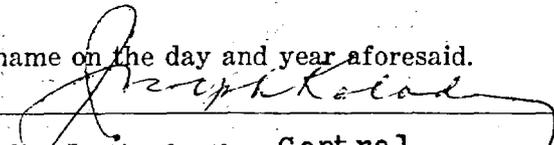
THE CONDITION of the above RECOGNIZANCE is such, that if the above bound _____
Aliceteen E. Mangum

do and shall well and truly make her personal appearance before the Criminal Court of Baltimore, held, at the Court House in the City of Baltimore, _____ when summoned

then and there to answer unto all such things as shall be alleged against her, and particularly for Sect. 577, Art. 27, Annotated Code (1957 Edition) Trespassing upon the premises at Hooper's Restaurant, 1 W. Fayette St. after having been duly notified by the owner or his agents not to do so, in Balto. City, State of Md.

on or about the 17th day of June, 1960, in Baltimore City, State of Maryland, and attend the said Court from day to day, and not depart thence without leave thereof; and in the meantime keep the peace, and be of good behavior; then the above Recognizance to be void, or otherwise to remain in full force and virtue in law.

In Testimony Whereof, I hereunto subscribe my name on the day and year aforesaid.

 (Seal)
Police Justice for the Central District

10

Pages 3 to 14, Incl.

TAKE FOR \$ 100⁰⁰
State of Maryland,
City of Baltimore, to wit:

com

[Handwritten signature]

I, _____

hereby apply to become recognizer for
Aliceteen E. Mangum
1104 Argyle Ave.

I own and offer as security the following
property: No. _____

It is in fee — leasehold, being subject to the
annual ground rent of _____ dollars.

My interest therein is absolute and un-
divided, or is _____
the value of which is \$ _____ and is subject
to the following mortgages, incumbrances
and other recognizances:

The taxes are paid up to and including
those for the year 19 _____

Address _____

Sworn to this 20th day of

June, 19 60, before me.

[Signature] J. P. [Seal]

Police Justice for the Central District.

2470

No. 1047

No. 2523

STATE
VS.

[Handwritten] claa

Aliceteen E. Mangum

Charge Trespassing

WITNESS

Gilbert C. Hooper, Sr.

1 W. Fayette St.

Lt. D.P. Redding, C.D.

Sgt. John Sauer, C.D.

Sgt. John Grempler, C.D.

PRESENTED

JUN 24 1960

[Signature]
Foreman

Filed JUN 21 1960 19 _____

REC'D - TO THIS COURT

(Recog: to Answer Court)

City of Baltimore, to wit:

CD 93885

BE IT REMEMBERED, That on the 20th day of June

in the year of our Lord, one thousand nine hundred and 60, before the Subscriber, a Police Justice of the State of Maryland, in and for the City of Baltimore, personally appeared _____

John R. Quarles Sr. Residence 2409 W. Lafayette Ave

and _____ Residence _____

and _____ Residence _____

and acknowledge themselves each and severally, to owe and stand justly indebted to the State of Maryland, in the sum of One千元 dollars current money of the United States. the said sum of money to be paid and levied of their bodies, goods and chattels, lands and tenements, respectively, to and for the use of the State of Maryland.

THE CONDITION of the above RECOGNIZANCE is such, that if the above bound _____

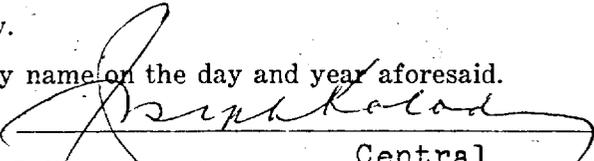
John R. Quarles Sr.

do and shall well and truly make his personal appearance before the Criminal Court of Baltimore, held, at the Court House in the City of Baltimore, when Summored

then and there to answer unto all such things as shall be alleged against him, and particularly for Sect. 577, Art. 27, Annotated Code (1957 Edition), Trespassing upon the premises at Hooper's Restaurant, 1 W. Fayette St., after having been duly notified ~~not~~ by the owner or his agents not to do so in Balto. City, State of Md.

on or about the 17th day of June, 1960, in Baltimore City. State of Maryland, and attend the said Court from day to day, and not depart thence without leave thereof; and in the meantime keep the peace, and be of good behavior; then the above Recognizance to be void, or otherwise to remain in full force and virtue in law.

In Testimony Whereof, I hereunto subscribe my name on the day and year aforesaid.

 (Seal)
Police Justice for the Central District //

2480

No. 2523

No. 1057

STATE
VS.

6/20

John R. Quarles Sr.

Charge Trespassing

WITNESS

Gilbert C. Hooper Sr.

1 W. Fayette St.

Lt. D.P. Redding, C.D.

Sgt. John Sauer, C.D.

Sgt. John Grempler, C.D.

PRESENTED

JUN 24 1960

[Signature]
Foreman

JUN 21 1960

Filed _____ 19

TAKE ONE FROM 100⁰⁰

State of Maryland

City of Baltimore, to wit:

Com

[Signature]

I, _____

hereby apply to become recognizer for _____

John R. Quarles Sr.

2109 W. Lafayette Ave.

I own and offer as security the following property: No. _____

It is in fee — leasehold, being subject to the annual ground rent of _____ dollars.

My interest therein is absolute and undivided, or is _____ the value of which is \$ _____ and is subject to the following mortgages, incumbrances and other recognizances:

The taxes are paid up to and including those for the year 19 _____.

Address _____

Sworn to this 20th _____ day of June, 1960, before me.

[Signature] J. P. [Seal]
Police Justice for the Central District.

605500

City of Baltimore, to wit:

BE IT REMEMBERED, That on the 20th day of June in the year of our Lord, one thousand nine hundred and 60, before the Subscriber, a Police Justice of the State of Maryland, in and for the City of Baltimore, personally appeared Muriel B. Quarles Residence 1530 N. Caroline St. and _____ Residence _____ and _____ Residence _____

and acknowledge themselves each and severally, to owe and stand justly indebted to the State of Maryland, in the sum of on own recog. dollars current money of the United States. the said sum of money to be paid and levied of their bodies, goods and chattels, lands and tenements, respectively, to and for the use of the State of Maryland.

THE CONDITION of the above RECOGNIZANCE is such, that if the above bound Muriel B. Quarles

do and shall well and truly make her personal appearance before the Criminal Court of Baltimore, held, at the Court House in the City of Baltimore, when summoned then and there to answer unto all such things as shall be alleged against her, and particularly for Sect. 577~~4~~ Art. 27, Annotated Code (1957) Edition), Trespassing upon the premises at Hoppers Restaruant, 1 W. Fayette St. after having been duly notified by the owner or his agent not to do so,

on or about the 17th day of June, 19 60 in Baltimore City. State of Maryland, and attend the said Court from day to day, and not depart thence without leave thereof; and in the meantime keep the peace, and be of good behavior; then the above Recognizance to be void, or otherwise to remain in full force and virtue in law.

In Testimony Whereof, I hereunto subscribe my name on the day and year aforesaid.

[Signature] (Seal)
Police Justice for the Central District 12

Pages 3 to 14, Incl.

2479

com

State of Maryland,

City of Baltimore, to wit:

100⁰⁰
J. H. C.

No. 1050

No. 2523

STATE
VS.

261

Muriel B. Quarles Quarles

Charge Trespassing

WITNESS

Lieut. Redding, C. D.

Sgt. J. Sauers, C. D.

Sgt. John Grempler, C. D.

Gilbert C. Hopper Sr.

1 W. Fayette St.

PRESENTED

JUN 24 1960

[Signature]
Foreman

I, _____
hereby apply to become recognizer for _____
self

I own and offer as security the following
property: No. _____

It is in fee — leasehold, being subject to the
annual ground rent of _____ dollars.

My interest therein is absolute and un-
divided, or is _____
the value of which is \$ _____ and is subject
to the following mortgages, incumbrances
and other recognizances:

The taxes are paid up to and including
those for the year 19 _____.

Address 1530 N. Carolina St.

Sworn to this 20th day of
June, 19 60, before me.

[Signature] J. P. [Seal]
Police Justice for the Central District.

Filed JUN 21 1960 19 _____

City of Baltimore, to wit:

BE IT REMEMBERED, That on the 20th day of June
 in the year of our Lord, one thousand nine hundred and 60, before the Subscriber,
 a Police Justice of the State of Maryland, in and for the City of Baltimore, personally appeared _____
Lawrence M. Parker Residence 2608 E. Beryl Ave.
 and _____ Residence _____
 and _____ Residence _____

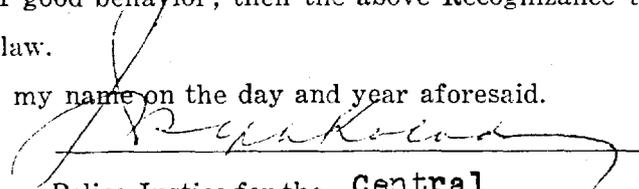
and acknowledge themselves each and severally, to owe and stand justly indebted to the State of Maryland, in the sum of on own Recog. dollars current money of the United States. the said sum of money to be paid and levied of their bodies, goods and chattels, lands and tenements, respectively, to and for the use of the State of Maryland.

THE CONDITION of the above RECOGNIZANCE is such, that if the above bound _____
Lawrence M. Parker

do and shall well and truly make his personal appearance before the Criminal Court of Baltimore, held, at the Court House in the City of Baltimore, when summoned then and there to answer unto all such things as shall be alleged against him, and particularly for Sect, 577 Art. 27, Annotated code (1957 Edition) Trespassing upon the premises at Hoopers Restaruant, 1 W. Fayette St. after having been duly notified by the owners or his agent not to do so

on or about the 17th day of June, 1960, in Baltimore City, State of Maryland, and attend the said Court from day to day, and not depart thence without leave thereof; and in the meantime keep the peace, and be of good behavior; then the above Recognizance to be void, or otherwise to remain in full force and virtue in law.

In Testimony Whereof, I hereunto subscribe my name on the day and year aforesaid.

 (Seal)
 Police Justice for the Central District

13

Pages 3 to 14, Incl.

2475

TAXI 000 IN 3 / 00⁰⁰
State of Maryland,
City of Baltimore, to wit.

No. 1049 No. 2523

STATE
VS.

c/20

com

J. P. Kelod

Lawrence M. Parker

I, _____
_____ hereby apply to become recognizer for _____
Self

Charge Trespassing

WITNESS

I own and offer as security the following property: No. _____

Gilbert C. Hooper Sr.

1 W. Fayette St.

Lieut. Redding. C. D.

Sgt. Sauer, C. D.

Sgt. Grempler C. D.

It is in fee — leasehold, being subject to the annual ground rent of _____ dollars.

My interest therein is absolute and undivided, or is _____ the value of which is \$ _____ and is subject to the following mortgages, incumbrances and other recognizances:

PRESENTED

JUN 24 1960

L. S. Lawrence
Foreman

The taxes are paid up to and including those for the year 19 _____.

Address 2608 E Beryl Ave.

Sworn to this 20th day of

June, 19 60, before me.

J. P. Kelod J. P. [Seal]

Police Justice for the Central District.

Filed JUN 21 1960 19 _____

CD03887

c/20

(Recog. to Answer Court) CD93887

City of Baltimore, to wit:

BE IT REMEMBERED, That on the 20th day of June in the year of our Lord, one thousand nine hundred and 60, before the Subscriber, a Police Justice of the State of Maryland, in and for the City of Baltimore, personally appeared Barbara F. Whittaker Residence 1110 Wilmot Court and _____ Residence _____ and _____ Residence _____

and acknowledge themselves each and severally, to owe and stand justly indebted to the State of Maryland, in the sum of on own Recog. dollars, current money of the United States. the said sum of money to be paid and levied of their bodies, goods and chattels, lands and tenements, respectively, to and for the use of the State of Maryland.

THE CONDITION of the above RECOGNIZANCE is such, that if the above bound Barbara F. Whittaker

do and shall well and truly make her personal appearance before the Criminal Court of Baltimore, held, at the Court House in the City of Baltimore, when summoned then and there to answer unto all such things as shall be alleged against her, and particularly for Sect. 577, Art. 27, Annotated Code (1957 Edition) Trespassing upon the premises at Hoopers Restaurant, 1 W. Fayette St. after having been duly notified by the owner or his agent not to do so, on or about the 17th day of June, 1960, in Baltimore City. State of Maryland, and attend the said Court from day to day, and not depart thence without leave thereof; and in the meantime keep the peace, and be of good behavior; then the above Recognizance to be void, or otherwise to remain in full force and virtue in law.

In Testimony Whereof, I hereunto subscribe my name on the day and year aforesaid.

Joseph K. [Signature] (Seal)
Police Justice for the Central District

14

Pages 3 to 14, Incl.

TIME PAID IN \$ 100.00
State of Maryland,
com City of Baltimore, to wit.

2481

No. 1052

No. 2523

STATE
VS.

cl17

I, _____

Barbara F. Whittaker

hereby apply to become recognizer for _____
Self

Charge Tresspassing

WITNESS

I own and offer as security the following
property: No. _____

Gilbert C. Hooper Sr.

1 W. Fayette St.

Lt. Redding, C. D.

It is in fee — leasehold, being subject to the
annual ground rent of _____ dollars.

Sgt. Sauer, C. D.

My interest therein is absolute and un-
divided, or is _____
the value of which is \$ _____ and is subject
to the following mortgages, incumbrances
and other recognizances:

S^ut. Grempler, C. D.

PRESENTED

The taxes are paid up to and including
those for the year 19 _____.

JUN 24 1960

[Signature]
Foreman

Address 1110 Wilmot Ct.

Sworn to this 20th _____ day of
June, 19 60, before me.

[Signature] J. P. [Seal]
Police Justice for the Central District.

JUN 21 1960

Filed _____ 19 _____

CAPIAS
CRIMINAL COURT OF BALTIMORE

MAY TERM, 1960

THE STATE OF MARYLAND

To the Sheriff of Baltimore City, Greetings:

We command that you take the body of *Robert Mack Bell*

and immediately have *L* before the Court to answer a Presentment for *Trespassing*

WITNESS the Hon. Emory H. Niles, Chief Judge of the Supreme Bench of Baltimore City, the 9th day of May, 1960.

Issued this *JUN 24* 1960 day of _____, 1960.

LAWRENCE R. MOONEY
Clerk, Criminal Court of Baltimore.

RECEIVED
SHERIFF'S OFFICE
BALTIMORE CITY, MD.
JUN 24 1 10 PM '60

RECEIVED
LAWRENCE R. MOONEY
CLERK
JUL 1 11 19 AM '60

RECEIVED
CRIMINAL COURT
BALTIMORE, MD.

CAPIAS
CRIMINAL COURT OF BALTIMORE

MAY TERM, 1960

THE STATE OF MARYLAND

To the Sheriff of Baltimore City, Greetings:

We command that you take the body of *Levellen O Brown*

and immediately have *L* before the Court to answer a Presentment for *Trespassing*

WITNESS the Hon. Emory H. Niles, Chief Judge of the Supreme Bench of Baltimore City, the 9th day of May, 1960.

Issued this *JUN 24* 1960 day of _____, 1960.

LAWRENCE R. MOONEY
Clerk, Criminal Court of Baltimore.

RECEIVED
SHERIFF'S OFFICE
BALTIMORE CITY, MD.
JUN 24 1 19 AM '60

RECEIVED
LAWRENCE R. MOONEY
CLERK
JUL 1 11 28 AM '60

RECEIVED
CRIMINAL COURT
BALTIMORE, MD.

CAPIAS
CRIMINAL COURT OF BALTIMORE

MAY TERM, 1960

THE STATE OF MARYLAND

To the Sheriff of Baltimore City, Greetings:

We command that you take the body of *Crismen the D Bullback*

and immediately have *L* before the Court to answer a Presentment for *Trespassing*

WITNESS the Hon. Emory H. Niles, Chief Judge of the Supreme Bench of Baltimore City, the 9th day of May, 1960.

Issued this *JUN 24* 1960 day of _____, 1960.

LAWRENCE R. MOONEY
Clerk, Criminal Court of Baltimore.

RECEIVED
SHERIFF'S OFFICE
BALTIMORE CITY, MD.
JUN 4 1 20 PM '60

RECEIVED
LAWRENCE R. MOONEY
CLERK
JUL 1 11 19 AM '60

RECEIVED
CRIMINAL COURT
BALTIMORE, MD.

CAPIAS
CRIMINAL COURT OF BALTIMORE

MAY TERM, 1960

RECEIVED
SHERIFF'S OFFICE
BALTIMORE, MD.
JUN 24 1 20 PM '60
THE STATE OF MARYLAND

To the Sheriff of Baltimore City, Greetings:

We command that you take the body of

Rosetta Gaine

and immediately have _____ before the Court to answer a Presentment for

Trespassing

WITNESS the Hon. Emory H. Niles, Chief Judge of the Supreme Bench of Baltimore City, the 9th day of May, 1960.

Issued this JUN 24 1960 day of _____, 1960.

JUN 24 1960

LAWRENCE R. MOONEY
Clerk, Criminal Court of Baltimore.

RECEIVED
CRIMINAL COURT
BALTIMORE, MD.
JUN 29 2 07 PM '60
LAWRENCE R. MOONEY
CLERK

CAPIAS
CRIMINAL COURT OF BALTIMORE

MAY TERM, 1960

RECEIVED
SHERIFF'S OFFICE
BALTIMORE, MD.
JUN 24 1 20 PM '60
THE STATE OF MARYLAND

To the Sheriff of Baltimore City, Greetings:

We command that you take the body of

Annette Green

and immediately have _____ before the Court to answer a Presentment for

Trespassing

WITNESS the Hon. Emory H. Niles, Chief Judge of the Supreme Bench of Baltimore City, the 9th day of May, 1960.

Issued this JUN 24 1960 day of _____, 1960.

LAWRENCE R. MOONEY
Clerk, Criminal Court of Baltimore.

RECEIVED
CRIMINAL COURT
BALTIMORE, MD.
JUL 1 11 19 AM '60
LAWRENCE R. MOONEY
CLERK

CAPIAS
CRIMINAL COURT OF BALTIMORE

MAY TERM, 1960

RECEIVED
SHERIFF'S OFFICE
BALTIMORE, MD.
JUN 24 1 20 PM '60
THE STATE OF MARYLAND

To the Sheriff of Baltimore City, Greetings:

We command that you take the body of

Robert M. Johnson

and immediately have _____ before the Court to answer a Presentment for

Trespassing

WITNESS the Hon. Emory H. Niles, Chief Judge of the Supreme Bench of Baltimore City, the 9th day of May, 1960.

Issued this JUN 24 1960 day of _____, 1960.

LAWRENCE R. MOONEY
Clerk, Criminal Court of Baltimore.

RECEIVED
CRIMINAL COURT
BALTIMORE, MD.
JUL 1 11 19 AM '60
LAWRENCE R. MOONEY
CLERK

CAPIAS

CRIMINAL COURT OF BALTIMORE

MAY TERM, 1960

THE STATE OF MARYLAND

To the Sheriff of Baltimore City, Greetings:

We command that you take the body of

Richard McRoy

and immediately have _____ before the Court to answer a Presentment for

Trespassing

WITNESS the Hon. Emory H. Niles, Chief Judge of the Supreme Bench of Baltimore City, the 9th day of May, 1960.

Issued this JUN 24 1960 day of _____, 1960.

LAWRENCE R. MOONEY
Clerk, Criminal Court of Baltimore.

RECEIVED
SHERIFF'S OFFICE
BALTIMORE CITY, MD.
JUN 24 1 20 PM '60

JUL 8 4 50 PM '60
LAWRENCE R. MOONEY
CLERK

RECEIVED
CRIMINAL COURT
BALTIMORE, MD.

CAPIAS

CRIMINAL COURT OF BALTIMORE

MAY TERM, 1960

THE STATE OF MARYLAND

To the Sheriff of Baltimore City, Greetings:

We command that you take the body of

Alicia E. Mangum

and immediately have _____ before the Court to answer a Presentment for

Trespassing

WITNESS the Hon. Emory H. Niles, Chief Judge of the Supreme Bench of Baltimore City, the 9th day of May, 1960.

Issued this JUN 24 1960 day of _____, 1960.

LAWRENCE R. MOONEY
Clerk, Criminal Court of Baltimore.

RECEIVED
SHERIFF'S OFFICE
BALTIMORE CITY, MD.
JUN 24 1 20 PM '60

JUN 24 2 02 PM '60
LAWRENCE R. MOONEY
CLERK

RECEIVED
CRIMINAL COURT
BALTIMORE, MD.

CAPIAS

CRIMINAL COURT OF BALTIMORE

MAY TERM, 1960

THE STATE OF MARYLAND

To the Sheriff of Baltimore City, Greetings:

We command that you take the body of

John R. Quarles Sr.

and immediately have _____ before the Court to answer a Presentment for

Trespassing

WITNESS the Hon. Emory H. Niles, Chief Judge of the Supreme Bench of Baltimore City, the 9th day of May, 1960.

Issued this JUN 24 1960 day of _____, 1960.

LAWRENCE R. MOONEY
Clerk, Criminal Court of Baltimore.

RECEIVED
SHERIFF'S OFFICE
BALTIMORE CITY, MD.
JUN 24 1 24 PM '60

JUN 29 2 02 PM '60
LAWRENCE R. MOONEY
CLERK

RECEIVED
CRIMINAL COURT
BALTIMORE, MD.

CAPIAS
CRIMINAL COURT OF BALTIMORE

MAY TERM, 1960

RECEIVED
SHERIFF'S OFFICE
JUN 24 1 20 PM '60
BALTIMORE CITY, MD.
THE STATE OF MARYLAND

To the Sheriff of Baltimore City, Greetings:

We command that you take the body of

Muriel B. Quarles

and immediately have *L* before the Court to answer a Presentment for

Trespassing

WITNESS the Hon. Emory H. Niles, Chief Judge of the Supreme Bench of Baltimore City, the 9th day of May, 1960.

Issued this JUN 24 1960 day of _____, 1960.

LAWRENCE R. MOONEY
Clerk, Criminal Court of Baltimore.

RECEIVED
CRIMINAL COURT
BALTIMORE, MD.
JUN 29 2 02 PM '60
LAWRENCE R. MOONEY
CLERK

CAPIAS
CRIMINAL COURT OF BALTIMORE

MAY TERM, 1960

RECEIVED
SHERIFF'S OFFICE
JUN 24 1 20 PM '60
BALTIMORE CITY, MD.
THE STATE OF MARYLAND

To the Sheriff of Baltimore City, Greetings:

We command that you take the body of

Lawrence M. Barber

and immediately have *L* before the Court to answer a Presentment for

Trespassing

WITNESS the Hon. Emory H. Niles, Chief Judge of the Supreme Bench of Baltimore City, the 9th day of May, 1960.

Issued this JUN 24 1960 day of _____, 1960.

LAWRENCE R. MOONEY
Clerk, Criminal Court of Baltimore.

RECEIVED
CRIMINAL COURT
BALTIMORE, MD.
JUN 29 2 02 PM '60
LAWRENCE R. MOONEY
CLERK

CAPIAS
CRIMINAL COURT OF BALTIMORE

MAY TERM, 1960

RECEIVED
SHERIFF'S OFFICE
JUN 24 1 20 PM '60
BALTIMORE CITY, MD.
THE STATE OF MARYLAND

To the Sheriff of Baltimore City, Greetings:

We command that you take the body of

Barbara F. Whittaker

and immediately have *L* before the Court to answer a Presentment for

Trespassing

WITNESS the Hon. Emory H. Niles, Chief Judge of the Supreme Bench of Baltimore City, the 9th day of May, 1960.

Issued this JUN 24 1960 day of _____, 1960.

LAWRENCE R. MOONEY
Clerk, Criminal Court of Baltimore.

RECEIVED
CRIMINAL COURT
BALTIMORE, MD.
JUL 1 1 19 AM '60
LAWRENCE R. MOONEY
CLERK

No. 2523 Y

Docket 19 60

STATE OF MARYLAND

vs.

ROBERT MACK BELL (C) 16

Received of State's Attorney's Office
copy of indictment in the above case
this 10 day of Nov, 19 60

[Signature]
Witness: [Signature]

No. 2523 Y

Docket 19 60

STATE OF MARYLAND

vs.

LOVELLEN P. BROWN (C) 17

Received of State's Attorney's Office
copy of indictment in the above case
this 10 day of Nov, 19 60

[Signature]
Witness: [Signature]

[Handwritten mark]

No. 2523 Y

Docket 19.60

STATE OF MARYLAND

vs.

ARIMENTHA D. BULLOCK (C) 17

Received of State's Attorney's Office
copy of indictment in the above case
this 10 day of Nov, 1960

[Handwritten signature]

Witness: *[Handwritten signature]*

No. 2523 Y

Docket 19.60

STATE OF MARYLAND

vs.

ROSETTA GAILEY (C) 18

Received of State's Attorney's Office
copy of indictment in the above case
this 10 day of Nov, 1960

[Handwritten signature]

Witness: *[Handwritten signature]*

No. 2523-Y

Docket 19 60

STATE OF MARYLAND

vs.

ROBERT M. JOHNSON (C)

Received of State's Attorney's Office
copy of indictment in the above case
this 12 day of Nov, 19 60

[Signature]

Witness: *[Signature]*

No. 2523-Y

Docket 19 60

STATE OF MARYLAND

vs.

ANNETTE GREEN (C) 17

Received of State's Attorney's Office
copy of indictment in the above case
this 12 day of Nov, 19 60

[Signature]

Witness: *[Signature]*

No. ~~2523~~ Y

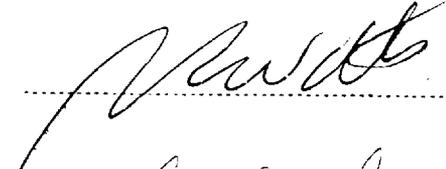
Docket 19 ~~60~~

STATE OF MARYLAND

vs.

~~ALICETEEN E. MANGUM (C) 22~~

Received of State's Attorney's Office
copy of indictment in the above case
this 19 day of Nov, 1960


Witness: Raymond Long

No. ~~2523~~ Y

Docket 19 ~~60~~

STATE OF MARYLAND

vs.

~~RICHARD MCKOY (C) 17~~

Received of State's Attorney's Office
copy of indictment in the above case
this 19 day of Nov, 1960


Witness: Raymond Long

No. 2523 Y

Docket 19 60

STATE OF MARYLAND

vs.

MAURIEL B. QUARLES (C) 21

Received of State's Attorney's Office
copy of indictment in the above case
this 10 day of Dec, 19 60

[Handwritten signature]

Witness: *[Handwritten signature]*

No. 2523 Y

Docket 19 60

STATE OF MARYLAND

vs.

JOHN R. QUARLES, SR. 20

Received of State's Attorney's Office
copy of indictment in the above case
this 10 day of Dec, 19 60

[Handwritten signature]

Witness: *[Handwritten signature]*

No. 2523 Y

Docket 19 60

STATE OF MARYLAND

vs.

BARBARA F. WHITTAKER (C) 17

Received of State's Attorney's Office
copy of indictment in the above case
this 10 day of Mar, 19 60

[Signature]

Witness: *[Signature]*

No. 2523 Y

Docket 19 60

STATE OF MARYLAND

vs.

LAWRENCE M. PARKER (C) 20

Received of State's Attorney's Office
copy of indictment in the above case
this 10 day of Mar, 19 60

[Signature]

Witness: *[Signature]*

2523 - 2752 - 2775 - 2882 - 2939 - 3020

No. _____ Docket 1960

STATE OF MARYLAND
vs.

R. M. Bell et al.

Criminal Court of Baltimore

SEP Term, 1960

INDICTED for TRESSPASSING

MR. CLERK:

Enter my appearance for Defendant and summon for defense the

Witnesses whose names are endorsed hereon.

R. M. Bell et al.
Attorney
James Jackson Mitchell

Criminal Court of Baltimore

PART 3

2523

Bail

3 Lt. Redding
 3 Sgt J. Sauch
 3 J. Grempier

10				

C. D.
 "
 "

Returnable

Nov 10

to testify for State vs. Robert Mack Bell, et al
 TO THE SHERIFF OF BALTIMORE CITY.

LAWRENCE R. MOONEY, Clerk

Disposition
 Criminal Court of Baltimore

Room 438

~~PART 3~~

2523

Bail

Richard McKoy 3
 Lawrence M. Parker 4
 Rosetta Gainey 4
 Aliceleen E. Mangum 10
 John R. Charles Sr 3
 Arimetha D. Bullock 4
 Muriel B. Charles 4

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10	10	10		

159 N. Colwin St.
 2608 E. Beryl Ave
 1249 N. Broadway
 1404 Argyle Ave.
 2409 W. Lafayette Ave
 1211 N. Caroline St.
 1530 " " "

Returnable

Mar Jan Nov 10 6 24

to testify for State vs. Robert Mack Bell, et al
 TO THE SHERIFF OF BALTIMORE CITY.

LAWRENCE R. MOONEY, Clerk

Disposition
 Criminal Court of Baltimore

Room 438

~~PART 3~~

2523

Bail

Barbara F. Whitaker 4
 Lovellen P. Brown 6
 Annette Green 6
 Robert Mack Bell 6
 Robert M. Johnson 6
 Gilbert C. Hooper, Sr 9
 Albert Wards 9

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10	10	10		
10	10	10		

1110 Walnut Ct.
 1019 N. Wolfe St.
 " " " "
 2026 E. Hoffman St.
 1711 N. Castle St.
 1 W. Fayette St.
 " " "

Returnable

Mar Jan Nov 10 6 24

to testify for State vs. Robert Mack Bell, et al
 TO THE SHERIFF OF BALTIMORE CITY.

LAWRENCE R. MOONEY, Clerk

~~STENOGRAPHIC TRANSCRIPT~~

~~IN THE CASE OF~~

STATE OF MARYLAND

IN THE
CRIMINAL COURT

vs-

OF

ROBERT M. BELL, et al

BALTIMORE

Indictment #2523/60

PART III

BYRNES, J.

NOV. 10, 1960

CRIMINAL COURT
BALTIMORE, MD.
MAY 19 10 04 AM '61
FRANCIS R. MOONEY
CLERK

(FILE ENDORSEMENT OBTAINED)

YALE J. AARONS
OFFICIAL COURT STENOGRAPHER
CRIMINAL COURT PART III
ROOM 300 COURT HOUSE
BALTIMORE, MARYLAND

1800

STATE OF MARYLAND

:

IN THE

VS.

:

CRIMINAL COURT, PART III

ROBERT MACK BELL, LOVELLEN P.

:

OF

BROWN, ARIMENTHA D. BULLOCK,

:

BALTIMORE CITY

ROSETTA GAINNEY, ANNETTE GREEN,

:

Indictment 2523 Y/1960

ROBERT M. JOHNSON, RICHARD

:

MCKOY, ALICETEEN E. MANGUM,

:

JOHN R. QUARLES, SR., MURIEL

:

B. QUARLES, LAWRENCE M. PARKER

and BARBARA F. WHITTAKER

::::::::::::::::::::::::::::::::::::

Appearances:

James W. Murphy, Assistant State's Attorney (Saul A. Harris, State's Attorney of Baltimore City), Attorneys for the State

Robert B. Watts (Brown, Allen and Watts), Tucker R. Dearing (Dearing and Toadvine) and Juanita Jackson Mitchell, Attorneys for the Defendants

Robert F. Skutch, Jr. (Weinberg & Green), Amicus Curiae, representing The Restaurant Association of Maryland, Inc.

MEMORANDUM OPINION

BYRNES, J.

On July 12, 1960 the above named defendants, students attending local schools, were indicted by the Baltimore City Grand Jury for trespassing on the premises of Hooper's Restaurant at the southwest corner of Fayette and Charles Streets in Baltimore City. The first count of the indictment charges that the defendants

" ... on the seventeenth day of June, in the year of our Lord nineteen hundred and sixty, at the City aforesaid, unlawfully did enter upon and cross over the land, premises and private property of a certain corporation in this State, to wit, Hooper Food Co., Inc., a corporation, after having been duly notified by Albert Warfel, who was then and there the servant and agent for Hopper [sic] Food Co., Inc., a corporation, not to do so; contrary to the form of the Act of Assembly in such case made and provided, and against the peace, government and dignity of the State."

Byrnes

The second count charges that the defendants

" . . . unlawfully did enter and trespass on certain property of Hooper Food Co., Inc., a corporation which said property was then and there posted against trespassers [sic] in a conspicuous manner; contrary to the form of the Act of Assembly in such case made and provided, and against the peace, government and dignity of the State."

Testimony at the trial disclosed that on June 17, 1960, the defendants entered the restaurant while it was open for business and requested the hostess, Ella Mae Dunlap, to assign them seats at tables for the purpose of being served. She informed them that it was not the policy of the restaurant to serve Negroes, and that she was sorry but she could not seat or serve any of the defendants. She explained to them that she was following the instructions of the owner of the restaurant.

Despite this refusal, defendants persisted in their demands and, brushing by the hostess, took seats at various tables on the main floor and at the counter in the basement. Not being served, which they apparently anticipated, some of the defendants began to read their school books.

The trespass statute, Article 27, section 577 of the Maryland Code, 1957 Ed. was read to the defendants and they were told by the manager, Albert R. Warfel, that they were trespassers, and they were then requested to leave. Upon their refusal to do so, police were summoned. Warfel was advised by the police that in order to have defendants ejected by the Baltimore City Police Department it would be necessary for him to obtain warrants for their arrest for trespassing. Warrants were obtained and the arrests followed. Defendants waived a hearing before the Magistrate at the Central Police Station and the

case was referred to the Grand Jury.

Defendants contend that their ejection from the restaurant, and subsequent arrest were violative of the Equal Protection and Due Process Clauses of the Fourteenth Amendment to the Constitution of the United States. The position of the State and the Restaurant Association of Maryland, appearing as Amicus Curiae, is that these clauses of the Fourteenth Amendment do not prohibit discriminatory action by private individuals, such as the proprietor of the restaurant here, nor do they inhibit state action in the form of arrest and conviction for trespass of persons who defy the proprietor's request to leave his property regardless of his reason for doing so. No cases supporting defendants' contention were cited to or found by this Court; on the other hand the State's position is firmly rooted in authority.

At the trial of this case, defendants' counsel repeated arguments made before the Supreme Court of the United States in the highly-publicized case of Boynton v. Virginia, 364 U.S. 454 (1960) and requested this Court to withhold its decision pending the outcome of that case. Since then the Boynton case has been decided, but nothing in the Court's opinion gives solace to defendants. While it is true that the Supreme Court reversed the Virginia Court's conviction of Boynton, an alleged trespasser in a privately owned restaurant, the Court avoided the Constitutional questions there presented (the same ones advanced here) and held that the restaurant at an interstate bus terminal, although privately owned, was an "integral part of the bus carriers transportation service for interstate passengers" and any racial discrimination in the restaurant violated provisions of the Interstate Commerce Act barring

discriminations of all kinds.

It is significant, this Court believes, that in Boynton, supra, the Court was careful to point out that "We are not holding that every time a bus stops at a wholly independent roadside restaurant the Interstate Commerce Act requires that restaurant service be supplied in harmony with the provisions of that Act."

Two recent decisions clearly in point are determinative of the principle that in the absence of appropriate legislation forbidding racial discrimination the operators of privately owned restaurants, even though generally open to the public, may discriminate against persons of another color or race, however unfair or unjust such policy may be deemed to be.

In a per curiam opinion the United States Court of Appeals for the Fourth Circuit, Slack v. White Tower, 284 F 2d 746 (1960), affirmed Judge Roszel Thomsen's decision holding, after an excellent summation of the applicable law, that a restaurant owner in refusing service to a Negro, violated no law nor did such refusal deprive the Petitioner of any constitutional guarantees, Slack v. White Tower, 181 F. Supp. 124 (1960).

In the most recent case dealing with efforts of Negroes to force the owners of business premises to open their establishments to all comers through so-called "sit-in" tactics, our Court of Appeals in Drews v. State, Md, 167 A 2d 341 (1961) affirmed Judge W. Albert Menchine's conviction of four persons charged with disorderly conduct for refusing to leave Gwynn Oak Amusement Park in Baltimore County after being ordered to do so. Speaking for the Court, Judge Hammond pointed out that the duty imposed by the early common law to serve the public without discrimination was later confined to exceptional

callings where an urgent public need required its continuance, such as innkeepers and common carriers. Continuing Judge Hammond stated that

" * * * Operators of most enterprises including places of amusement, did not and do not have any such common law obligation, and in the absence of a statute forbidding discriminations, can pick and choose their patrons for any reason they decide upon, including the color of their skin."

For the reasons stated this Court must find each defendant guilty on the first count of the indictment, and not guilty on the second count.

Each defendant is fined \$10.00 and costs, the fine is suspended, the costs must be paid.


Judge

Filed March 24, 1961

1 STATE OF MARYLAND : IN THE
2 vs. : CRIMINAL COURT
3 ROBERT MACK BELL : PART 3
4 LOVELLEN P. BROWN : OF
5 ARIMENTHA D. BULLOCK :
6 ROSETTA GAINNEY : BALTIMORE CITY
7 ANNETTE GREEN :
8 ROBERT M. JOHNSON :
9 RICHARD McKOY :
10 ALICETEEN E. MANGUM :
11 JOHN R. QUARLES, SR. :
12 MURIEL B. QUARLES : Indictment No. 2523 Y
13 LAWRENCE M. PARKER :
14 BARBARA F. WHITTAKER :
15 -----

March 24, 1961

12 Before:

13 HONORABLE JOSEPH R. BYRNES, JUDGE
14 -----

15 Appearances:

16 Messrs. Tucker Dearing and Robert Watts and
17 Mrs. Juanita Jackson Mitchell, attorneys on behalf of the
18 defendants.
19 -----

21

P R O C E E D I N G S

1
2 THE COURT: I appreciate the assistance counsel
3 have given me. This was an extremely well-tried and
4 interesting case.

5 I have written a short opinion based upon the
6 law as I understand it to be, so I see nothing to be served
7 by reading my opinion. I will have copies for all parties.

8 The verdict is guilty on the first count as to
9 each defendant; not guilty on the second count as to each
10 defendant.

11 (Statement by Mr. Watts in behalf of the
12 defendants.)

13 THE COURT: I appreciate that comment, Mr. Watts.
14 I agree with you these people are not law-breaking people;
15 that their action was one of principle rather than any
16 intentional attempt to violate the law. Under the law as
17 it stands they did violate this particular statutory section
18 of our Code.

19 As to the disposition: A fine of Ten Dollars
20 as to each defendant, and because of what you just said and
21 the fact they did not intend to deliberately violate the

1 law but were seeking to establish a principle, the court
2 will suspend the fine, but the court directs that the costs
3 be paid by the defendants.

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STATE OF MARYLAND

IN THE

CRIMINAL COURT

VS-

OF

BALTIMORE CITY

ROBERT M. BELL, et al

PART III

Indictment #2523,/60

April 28, 1961

COURT ORDER

It is hereby ordered that the time for the filing of the transcript in the above entitled case be extended to and including May 26, 1961.

Joseph R. Byrnes

Judge

LAWRENCE R. MOONEY
CLERK

Apr 28 12 39 PM '61

RECEIVED
CRIMINAL COURT
BALTIMORE, MD.

No. 2523 Docket 1960

STATE OF MARYLAND
vs.

Criminal Court of Baltimore

RECEIVED
CRIMINAL COURT
BALTIMORE, MD.

Robert M. Bell,
et al

May

Term, 19 May 22 9 09 AM '61

LAWRENCE R. MOONEY
CLERK

INDICTED for

Strike out - My Appearance
Truancy

MR. CLERK:

Enter my appearance for Defendant and summon for defense the

Witnesses whose names are endorsed hereon.

✓ Robert B. Watts
Attorney

	<u>WITNESSES ON BEHALF OF THE STATE</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>
1				
2	ELLA MAE DUNLAP	5 ✓	12 ✓	
3	ALBERT R. WARFEL	14 ✓	19 ✓	
4	G. CARROL HOOPER	21 ✓	30 ✓	
5	SGT. JOHN SAUER	35 ✓	40 ✓	
6				
7				
8	<u>WITNESSES ON BEHALF OF THE DEFENDANTS</u>			
9				
10	JOHN R. QUARLES, SR.	42 ✓	46 ✓	55 ✓
11	ROBERT JOHNSON	59 ✓	60 ✓	61 ✓
12	RICHARD MCKOY	62 ✓	63 ✓	68 ✓
13	PHILIP H. SAVAGE	68 ✓	72 ✓	75 ✓
14				
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17				
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21				

In the Criminal Court of Baltimore, Maryland,
Indictment filed July 12, 1960

STATE OF MARYLAND,

CITY OF BALTIMORE, to wit:

The Jurors of the State of Maryland, for the body of the City of Baltimore do on their oath present that ROBERT MACK BELL, LOVELLEN P. BROWN, ARIMENTHA D. BULLOCK, ROSETTA GAINNEY, ANNETTE GREEN, ROBERT M. JOHNSON, RICHARD MCKOY, ALICETEEN E. MANGUM, JOHN R. QUARLES, the elder, MURIEL B. QUARLES, LAWRENCE M. PARKER and BARBARA F. WHITTAKER, that on the seventeenth day of June, in the year of our Lord nineteen hundred and sixty, at the City aforesaid, unlawfully did enter upon and cross over the land, premises and private property of a certain corporation in this State, to wit, Hooper Food Co., Inc., a corporation, after having been duly notified by Albert Warfel, who was then and there the servant and agent for Hooper Food Co., Inc., a corporation, not to do so; contrary to the form of the Act of Assembly in such case made and provided, and against the peace, government and dignity of the State.

SECOND COUNT.

And the Jurors aforesaid, upon their oath aforesaid, do further present that the said ROBERT MACK BELL, LOVELLEN P. BROWN, ARIMENTHA D. BULLOCK, ROSETTE GAINNEY, ANNETTE GREEN, ROBERT M. JOHNSON, RICHARD MCKOY, ALICETEEN E. MANGUM, JOHN R. QUARLES, the elder, MURIEL B. QUARLES, LAWRENCE M. PARKER, and BARBARA F. WHITTAKER, on the said day, in the said year, at the City aforesaid, unlawfully did enter and trespass on certain property of Hooper Food Co., Inc., a corporation, which said property was then and there posted against trespassers in a conspicuous manner; contrary to the form of the Act of Assembly in such case made and provided, and against the peace, government and dignity of the State.

SAUL A. HARRIS,

THE STATE'S ATTORNEY FOR THE CITY OF BALTIMORE.

19
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ALICETEEN E. MANGUM (c) 22, S
JOHN R. QUARLES, SR. (c) 20,
MURIEL B. QUARLES (c) 21,
LAWRENCE M. PARKER (c) 20 and
BARBARA F. WHITTAKER (c) 18,

STATE OF MARYLAND

vs. ROBERT MACK BELL (c) 17, LOVELL L.
P. BROWN (c) 17, ARIMENITHA D.
BULLOCK (c) 17, ROSETTA GAINES (c)
18, ANLETTE GREEN (c) 18, ROBERT
M. JOHNSON, (c) 18, RICHARD MCKOY (c) 17,
Indictment

(TRUE BILL)
NOV 10 1960 - not conducted

Foreman.

Filed JUL 12 1960

NOV 10 1960 P... N.G. T...
A... FINE 10.00 \$
1961 G-1 N.G. S... FINE... SUSPENDED...
TO PAY COSTS
BYANESN

WITNESSES:
Gilbert C. Hooper, Sr.
Lt. Redding
Sgt. Sauer
Sgt. Grempler

Albert Warfel

NOV 10 1960 P... N.G. T...
A... FINE 10.00 \$
1961 G-1 N.G. S... FINE... SUSPENDED...
TO PAY COSTS

TRESPASSING, etc.

Drawn
O. K. COPY OF INDICTMENT NOV 10 1960
O. K. RECEIPT FILED

NOV 10 1960 P... N.G. T...
A... FINE 10.00 \$
1961 G-1 N.G. S... FINE... SUSPENDED...
TO PAY COSTS

POSTED TO COSTS RECORD	
Date <u>July 11, 1961</u> by <u>[Signature]</u>	
Page Number <u>158</u>	
FINES & COSTS	
Fine	
States Attorney	<u>2.00</u>
Clerk	<u>8.75</u>
Sheriff	<u>7.25</u>
Attorney	<u>89.00</u>
Total	<u>107.00</u>

NOV 10 1960 P... N.G. T...
A... FINE 10.00 \$
1961 G-1 N.G. S... FINE... SUSPENDED...
TO PAY COSTS

NOV 10 1960 P... N.G. T...
A... FINE 10.00 \$
1961 G-1 N.G. S... FINE... SUSPENDED...
TO PAY COSTS

NOV 10 1960 P... N.G. T...
A... FINE 10.00 \$
1961 G-1 N.G. S... FINE... SUSPENDED...
TO PAY COSTS

MAR 24 1961
NOV 10 1960 P... N.G. T...
A... FINE 10.00 \$
1961 G-1 N.G. S... FINE... SUSPENDED...
TO PAY COSTS

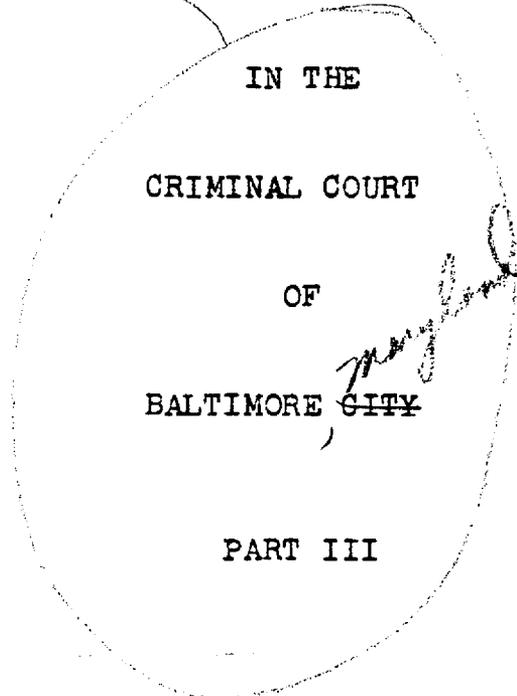
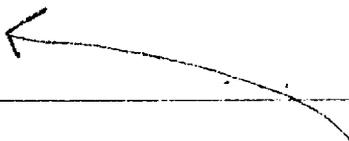
MAR 24 1961
NOV 10 1960 P... N.G. T...
A... FINE 10.00 \$
1961 G-1 N.G. S... FINE... SUSPENDED...
TO PAY COSTS

MAR 24 1961
NOV 10 1960 P... N.G. T...
A... FINE 10.00 \$
1961 G-1 N.G. S... FINE... SUSPENDED...
TO PAY COSTS

MAR 24 1961
NOV 10 1960 P... N.G. T...
A... FINE 10.00 \$
1961 G-1 N.G. S... FINE... SUSPENDED...
TO PAY COSTS

MAR 24 1961
NOV 10 1960 P... N.G. T...
A... FINE 10.00 \$
1961 G-1 N.G. S... FINE... SUSPENDED...
TO PAY COSTS

MAR 24 1961
NOV 10 1960 P... N.G. T...
A... FINE 10.00 \$
1961 G-1 N.G. S... FINE... SUSPENDED...
TO PAY COSTS



Handwritten signature

1 STATE OF MARYLAND :

2 :

3 vs- :

4 :

5 ROBERT M. BELL, :

6 LOVELLEN P. BROWN, :

7 ARIMENTHA D. BULLOCK, :

8 ROSETTA GAINNEY, :

9 ANNETTE GREEN, :

10 ROBERT M. JOHNSON, :

11 RICHARD MCKAY, :

12 ALICETEEN E. MANGUM, :

13 JOHN R. QUARLES, JR. :

14 MURIEL B. QUARLES, :

15 LAWRENCE M. PARKER, :

16 BARBARA F. WHITTAKER :

17 Indictment #2523 :

IN THE

CRIMINAL COURT

OF

BALTIMORE CITY

PART III

Baltimore, Maryland
November 10, 1960

Transcript of proceedings

Before Honorable Joseph R. Byrnes, J.

Appearances:

James W. Murphy, Esq. on behalf of the State.

Robert B. Watts, Esq.

Tucker R. Dearing, Esq.

Juanita J. Mitchell,

On behalf of the Defendants.

1 THE CLERK: Indictment #2523. Robert M. Bell,
 2 Lovellen P. Brown, Arimentha D. Bullock, Rosetta Gainey,
 3 Annette Green, Robert M. Johnson, Richard McKay, Aliceteen
 4 E. Mangum, John R. Quarles, Jr., Muriel B. Quarles, Lawrence
 5 M. Parker and Barbara F. Whittaker. As I understand all
 6 three counsel, Mr. Watts, Mr. Dearing and Miss Mitchell
 7 are representing all defendants, is that correct?

8 MR. WATTS: That's right. All are here with one
 9 exception, Aliceteen Mangum.

10 THE CLERK: All are charged with trespassing in
 11 Indictment 2523. Now as to all defendants, have copies
 12 been received?

13 MR. WATTS: Yes, we have received copies.

14 THE CLERK: Robert Bell, what is your age?

15 MR. BELL: 17

16 THE CLERK: Your address?

17 MR. BELL: 2026 E. Hoffman St.

18 THE CLERK: Lovellen Brown, your age?

19 MISS BROWN: 17,

20 THE CLERK: Your address?

21 MISS BROWN: 2019 N. Wolfe St.

1 THE CLERK: Bullock, what is your age?
2 MISS BULLOCK: 17.
3 THE CLERK: Your address?
4 MISS BULLOCK: 1211 N. Caroline.
5 THE CLERK: Miss Gainey?
6 MISS GAINNEY: 19. 1518 N. Broadway.
7 THE CLERK: Annette Green?
8 MISS GREEN: 18. 1019 N. Wolfe St.
9 THE CLERK: Robert M. Johnson?
10 MR. JOHNSON: 18. 1711 N. Castle.
11 THE CLERK: Richard McKoy?
12 MR. MCKOY: 17. 2519 N. Colvin.
13 THE CLERK: John R. Quarles?
14 MR. QUARLES: 28. 2409 West Lafayette.
15 THE CLERK: Muriel Quarles?
16 MISS QUARLES: 21. 1530 N. Caroline St.
17 THE CLERK: Lawrence Parker?
18 MR. PARKER: 20. 2608 Burrell Ave.
19 THE CLERK: And Barbara Whittaker?
20 MISS WHITTAKER: 18. 1110 Wilmot Court.
21 THE CLERK: Aliceteen Mangum here now?

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MISS MANGUM: Yes, sir.

THE CLERK: Your age?

MISS MANGUM: 22.

THE CLERK: Your address?

MISS MANGUM: 1404 Argyle Avenue.

THE CLERK: All right. Now, the pleas as to each, Mr. Watts?

MR. WATTS: The pleas are not guilty as to each defendant.

THE CLERK: Court or jury trial?

MR. WATTS: Court trial.

MR. MURPHY: I'd like to call Miss Dunlap, please.

ELLA MAE DUNLAP,

produced on behalf of the State, having first been duly sworn according to law, was examined and testified as follows:

THE BAILIFF:

Q Your name and address?

A Ella Mae Dunlap. 902 Exeter Hall.

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THE COURT: How do you spell your name?

THE WITNESS : D U N L A P.

DIRECT EXAMINATION BY MR. MURPHY:

Q Miss Dunlap, where are you employed?

A Hooper's Restaurant, Charles and Fayette.

Q Were you so employed on June 17th of this year?

A Yes, I was.

Q In what capacity are you employed at Hooper's Restaurant?

A Hostess.

Q In connection with your employment, what are your duties as hostess, what do you do?

A Well, I'm at the front. As the guests come in to the lobby I greet the guests. All guests are greeted by me or another hostess who might be at the front at that particular day.

Q Well, what do you do when you greet the guests?

A I ask how many is in their party.

Q I see. Do you seat them?

A Yes, I do seat them.

1 √Q Is anyone seated without you or the other hostess
2 seating them?

3 A No, sir.

4 Q No one is allowed to seat themselves in other
5 words, is that correct?

6 A As a rule, no.

7 Q All right. Now on this particular day of June
8 17th, this was a Friday was it not?

9 A Right.

10 Q Did something happen at the restaurant there,
11 some thing unusual?

12 A Yes, sir.

13 Q About what time was it?

14 A Roughly, say about 4:15 or 4:20.

15 Q P. M. ?

16 A P. M.

17 Q Now you describe to his Honor, please, just
18 exactly what happened at that time?

19 A At that particular day, 4:15 or 4:20, a group
20 of people came in, 15 or 18 at a time. I said "May I help
21 you"? A person said "Yes, I'd like to be seated". I said,

1 "I'm sorry, but we haven't integrated as yet".

2 Q These people were negroes, is that correct?

3 A That's right.

4 Q And you refused to seat them at that time?

5 A I said "We haven't integrated as yet".

6 Q Where did this conversation take place? Where
7 were you at that time when the conversation took place?

8 A Right at the entrance of the top step in the
9 restaurant.

10 Q Where were these people, these people that had
11 come in the group ?

12 A The group was in the lobby.

13 Q All right. To get to the lobby, to where the
14 dining area is, are there any steps?

15 A Yes, sir. It's an elevation of about four steps.

16 Q Is there a handrail there or two handrails?

17 A Yes, sir. There are two handrails, one on each
18 side.

19 Q What is the distance between the handrails,
20 approximately?

21 A Roughly between four and five feet.

9

1 Q This is up the steps between the handrails where
2 the people have to come from the lobby to the dining area,
3 is that right?

4 A That's right.

5 Q At that time you told them you were not going to
6 seat them, is that correct?

7 A I said "We haven't integrated as yet".

8 Q You were at the top of the steps ?

9 A That's right.

10 Q They were at the bottom, is that correct?

11 A That's correct.

12 Q What happened then?

13 A They said "Well, you mean you're not going to
14 seat us?" I said, "Well, that's right". They said "Well,
15 aren't you ashamed of yourselves"? I said "Well, no, I'm
16 not. It just so happens I work here. That's Mr. Hooper's
17 orders. It's the preference of the customers". They said,
18 "Well, you mean you're not going to seat us"? I said "Well,
19 that's right, I work here and that's my orders at this
20 particular time".

21 Q What happened then?

1 A In the meantime the manager was on his way to
2 the front of the dining room or where I was standing.

3 Q What is his name?

4 A Mr. Al Worfel.

5 Q Go ahead.

6 A While I was talking to these people, Mr. Worfel
7 came. He started to talk to them as well. In the meantime
8 while he was talking, we were blocking the front of approx-
9 imately four feet, four to five feet.

ANSWER:

10 Q Between the handrails/We were standing there talk-
11 ing to the group. At that particular time the group broke.
12 They broke through the line or through Mr. Worfel and my
13 self a distance of four to feet feet and also went to the
14 downstairs as well. We have a Grill which is downstairs.

15 Q How did they get past you and Mr. Worfel?

16 A Well, we were standing sort of sideways at the
17 time and we were glancing back and answering questions and
18 at the second we just turned, they broke through the line
19 and seated themselves.

20 Q Were you pushed ?

21 A They pushed me.

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MR. WATTS: That's leading. I object to that question.

THE COURT: Yes. I sustain it.

Q (Mr. Murphy) Well you tell us what happened, how did they get past you and Mr. Warfel?

A Well, as I said we were standing sideways talking with various people which were asking us questions and I was pushed against the rail which is to the left of it.

Q What happened then?

A The line broke and I was pushed against the rail and also pushed back. I would roughly say eight to ten feet. That is, not literally pushed, but more or less edging back.

Q All right.

A I couldn't hold them back.

Q What did the people do?

A They seated themselves in various parts of the dining room between our guests that were dining.

Q And what happened?

A At that time they scattered from place to place and then Mr. Warfel called the police.

1 Q All right. Did the police eventually come?

2 A Yes, the police did come.

3 Q Your witness.

4

5 CROSS EXAMINATION BY MR. WATTS:

6 Q Now Miss Dunlap, as a matter of fact, after these
7 students were refused admission, didn't you go over and
8 talk to the manager and ask is that still the policy of the
9 restaurant?

10 A The manager was right there.

11 Q He was not in front, in this four to five feet
12 area, was he?

13 A Yes, sir.

14 Q He was blocking the area?

15 A We both were standing there when the line broke.

16 Q I see. When the group broke through, twelve of
17 them got in and you put your hands up and stopped the rest
18 of them? Isn't that what happened?

19 A I did try to stop them but the group wasn't
20 interested in being stopped.

21 Q The ones who got in just walked in and sat down ?

1 A That's right.

2 Q And they didn't strike you or actually shove you,
3 did they?

4 A Yes, I was shoved.

5 Q You were shoved?

6 A Yes. I was standing at the front rail and I was
7 shoved.

8 Q You described it as saying not literally shoved
9 but you, as going to take their seats they passed by you,
10 is that right?

11 A Well, actually, I was standing by the rail. The
12 distance between four to five feet. At the top of this rail
13 which I'm talking about the entrance way, there's a knob on
14 this rail. I was pushed against that. Then I tried to stop
15 them, the group from continuing on and as I said I actually
16 was not pushed from there on but I was pushed when the line
17 started to break. Then it was about four to five feet or
18 maybe eight feet, I don't know.

19 Q I see. Now, you refused them admission to this
20 restaurant solely on the basis of their color, is that
21 correct?

1 A Yes, sir.

2 Q And that you didn't refuse them admission because
3 they were in any way disorderly?

4 A Well, I wouldn't say they were mannerly.

5 Q Answer my question? Did you refuse them admission
6 because they were disorderly?

7 A No.

8 Q Did you refuse them admission because they weren't
9 properly dressed?

10 A No.

11 Q Had they been white people they would have been
12 seated, is that correct?

13 A Yes, sir.

14 Q That's all.

15 MR. MURPHY: I'd like to call Mr Warfel, please.
16

17 ALBERT R. WARFEL,

18 produced on behalf of the State, having first been
19 duly sworn according to law, was examined and testi-
20 fied as follows:

21 THE BAILIFF:

1 Q Your name and address?

2 A Albert R. Warfel. 830 Argonne Drive.

3

4 DIRECT EXAMINATION BY MR. MURPHY:

5 Q Where are you employed?

6 A I'm no longer associated with Hooper's.

7 Q Were you employed by Mr. Hooper on June 17th of
8 this year?

9 A Yes, I was.

10 Q Where were you employed?

11 A Charles and Fayette St.

12 Q What capacity?

13 A Manager.

14 Q I want to direct your attention to that particular
15 date, did something unusual happen there at the restaurant?

16 A That particular afternoon, approximately 4:15 in
17 the afternoon, I was called by the hostess in front of the
18 restaurant where a group of people were standing . It
19 happened to be this group plus a few others that are not
20 here now. It has been stated, it had been stated to me,
21 company policy, we're not, we have not integrated the

1 restaurant . I so notified - First I asked the leader of
2 the group, which I wanted to get it centralized. I spoke
3 to him. I told him the company policy. As I was discussing
4 this --

5 Q What was this person's name?

6 A I believe it was John Quarles.

7 Q Do you know which one he is?

8 A The gentleman here in the uniform.

9 Q You're name is Quarles? He indicated the defendant
10 Quarles. Go ahead?

11 A Well, while in the process of translating the
12 company policy, the group broke. They brushed by us and
13 sat at various tables in the restaurant. After they were
14 seated they proceeded to hedgehop.

15 Q What do you mean by that, sir?

16 A Well, what they do, originally they all go in,
17 it might be four of them sit at one table. After they are
18 all seated, they'll look around for empty tables and break
19 and spread out to all the tables in the restaurant.

20 Q So that all the empty tables were occupied?

21 A No, they weren't.

1 Q As best as possible?

2 A They were spread out as evenly as they could.

3 At which time then, I noticed Mr. Hooper. Upon his request
4 I notified the police.

5 Q All right. Did you go out and get the police?

6 A I stepped outside the restaurant looking for
7 police. I also had the cashier call the radio car.

8 Q Did the police come?

9 A Yes, sir.

10 Q In the presence of the police did you read the
11 trespassing statute to the defendants?

12 A Yes, I did.

13 THE COURT: I'd like to know specifically what
14 was read?

15 THE WITNESS: 577.

16 THE COURT: I'm asking you.

17 Q (Mr. Murphy) I'd like to show you Section 577
18 of Article 27 of the Maryland Code of Public General Laws
19 and ask you if this is the section you read to them, sir?

20 A I read the whole thing, including this.

21 Q But you did read this specific section?

1 A Yes, sir, I did.

2 Q This is the section reading "Any person or persons
3 who shall enter upon any, cross over any land etcetera -
4 is that correct?

5 A Yes, sir.

6 THE COURT: For the record, Mr. Murphy, I'd like
7 to get again the section and the article.

8 MR. MURPHY: And that is Article 27, Section 577,
9 is that correct?

10 A That's correct.

11 Q What happened after you read this section of the
12 Maryland Code to the defendants?

13 A Several of the group, they were all notified they
14 would be arrested for trespassing, several of the group
15 left, while others in the group here stayed, at which time
16 we went over and got warrants and had them arrested.

17 Q Warrants were obtained at the station house by Mr.
18 Hooper, is that correct?

19 A That's correct. Central.

20 THE COURT: At that time Mr. Warfel did you inform
21 the group that unless they left they would be arrested?

1 THE WITNESS: That's correct.

2 Q (Mr. Murphy) Some of them did actually leave?

3 A Yes, they did.

4 Q But these people remained?

5 A That's correct.

6 Q All right. After Mr. Hooper obtained the warrants,
7 did he come back to the restaurant?

8 A Well we all come back to the restaurant.

9 Q The police were there?

10 A That's right.

11 Q What happened then?

12 A We had the people arrested.

13 Q The police took all of their names, etcetera?

14 A Yes, sir.

15 Q Your witness.

16

17 CROSS EXAMINATION BY MR. WATTS:

18 Q Mr. Warfel, is it?

19 A Yes.

20 Q Your instructions to your hostess, your help there
21 was that they were not to serve negroes, is that correct?

1 A It was company policy that we were not integrated.

2 Q So that these people were refused service solely
3 on the basis of their color, is that correct?

4 A That's correct.

5 Q For no other reason?

6 A No, sir.

7 Q That's all.

8 THE COURT: Mr Warfel, were any of the group
9 taken to the station house or were they just released by
10 the officer?

11 A I believe they were all taken over but then they
12 were released from Central.

13 THE COURT: Were they taken to the station house,
14 Central?

15 A Yes, sir. I don't remember.

16 THE COURT: Do you have other witnesses?

17 MR. MURPHY: Yes I have the police here too,
18 your Honor.

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G. CARROL HOOPER,

produced on behalf of the State, having first been
duly sworn according to law, was examined and testi-
fied as follows:

THE BAILIFF:

Q Your name and address?

A G. Carroll Hooper. 3501 St. Paul Street.

DIRECT EXAMINATION BY MR. MURPHY:

Q Mr. Hooper, you are the owner of various restau-
rants around town, is that correct?

A That's right.

Q Do you have a restaurant located Charles and
Fayette Streets?

A Yes, I do.

Q And that actually is owned by a corporation, is
that correct?

A Yes, sir.

Q Hooper Food Company Inc.?

J A That's right.

Q Are you the president?

1 A President.

2 Q Are you the lessee of that premises there?

3 A That's right.

4 Q And you operate your restaurant there, is that
5 correct?

6 A Yes, sir.

7 Q Or one of your restaurants?

8 A That's right.

9 Q Did you so operate the restaurant on June 17th
10 of this year at that premises?

11 A I did.

12 Q I want to direct your attention particularly to
13 that date sir, did something happen at your restaurant?

14 A Yes, it did.

15 Q About what time was it?

16 A About 4:15, 4:30.

17 Q In the afternoon?

18 A Afternoon.

19 Q Well, you describe to his Honor what you observed
20 at that time, sir?

21 A I was in the rear of the restaurant where we have

1 a bar and lounge which is a distance of about a hundred
 2 feet from the front lobby. My attention was attracted by
 3 the commotion up front. When I went up there all this had
 4 happened. These groups of people here entered the dining
 5 room and had seated themselves, had pushed their way through
 6 the hostess, by the hostess, and had scattered about in
 7 different tables and there were several minors in the
 8 group.

9 Q Practially all of them were minors?

10 A I mean juveniles, under 15, that we didn't
 11 prosecute. They were released that day at the police
 12 station.

13 Q Under 16 years of age?

14 A Under 16. We did not prosecute them.

15 Q What were they doing when you saw them, sir?

16 A Well, they scattered about, one at a table. They
 17 spread out like a fan in all sections of the dining room.
 18 These young girls that were juveniles and most of the
 19 others had a book in their hand. They took a book out and
 20 were reading it at the table. This was about the fourth
 21 occasion that we had been visited by these people. On prior

1 occasions, particularly one that I remember, they came in.
 2 I think we were the first people in town that they tried
 3 to get in. When I came in they were all scattered. They
 4 refused to leave. It was about 4 in the afternoon. I
 5 ordered the place closed. We turned off the air conditioning
 6 and locked the door and I went around to the tables and
 7 told them we were closed and asked them to leave. They
 8 would not. There is a gentleman sitting back there named
 9 Tony Adano --

10 MR. WATTS: I object to this. This is another
 11 case he is referring to, if your Honor please.

12 THE WITNESS: Well, I think it's pertinent to the
 13 purpose of these people visiting us at this time. What I'm
 14 going to say I believe will be pertinent to the case to
 15 show the intent and motive that these people were not
 16 coming here to eat.

17 THE COURT: Was this spoken by the man you have in
 18 mind in the presence of these defendants?

19 THE WITNESS: This man back here; I sat at the
 20 table with him and two other people and reasoned and talked
 21 to him why my policy was not yet one of integration and

1 told him that I had two hundred employees and half of them
 2 were colored. I thought as much of them as I did the white
 3 employees. I invited them back in my kitchen if they'd like
 4 to go back and talk to them. I wanted to prove to them it
 5 wasn't my policy, my personal prejudice, we were not, that
 6 I had valuable colored employees and I thought just as
 7 much of them. I tried to reason with these leaders, told
 8 them that as long as my customers were the deciding who
 9 they want to eat with, I'm at the mercy of my customers.
 10 I'm trying to do what they want. If they fail to come in,
 11 these people are not paying my expenses, and my bills. They
 12 didn't want to go back and talk to my colored employees
 13 because every one of them are in sympathy with me and that
 14 is we're in sympathy with what their objectives are, with
 15 what they are trying to abolish, but we disapprove of their
 16 methods of force and pushed their way in.

17 Now, the leader, I have talked to Mr. Quarles,
 18 who is on this case. I have talked to him on that same line.

19 Q (Mr. Murphy) He indicated the defendant Quarles.

20 A Mr. Tony Adano, another one back there. All this
 21 and three or four cases before this particular case came up.

1 They knew how I felt and I say that these people coming in
2 and putting books down, under 15 years of age, are not
3 coming to be served. They are trying to legislate by terror,
4 going to force me to either serve or close.

5 MR. DEARING: I object.

6 THE WITNESS: So on this particular occasion --

7 Q (Mr. Murphy) Tell us about that.

8 A When I got there, they had spread out^{to}/all the
9 tables. They wanted to be seated in the rear, the side, the
10 front, the middle and everywhere, and why. Four people at
11 one table, all left except one and go to another table.
12 Very evident that the purpose was to let my customers know
13 that they are there and why do they want them to let them
14 know they're there? That I would like to know, when they
15 know and have been told my policy, they are not going to
16 be served.

17 Q What happened, sir ?

18 A I ordered Mr. Warfel to call the police. He
19 called the police. We read the ordinance in the presence
20 of the police. They were asked to leave.

21 Q You're referring to Article 27, Section 577?

1 A The one you just read to Mr. Warfel. The Lusby
2 ordinance. Then the police called the wagon and took them
3 down to Central. Of course we had to go.

4 Q You went down and got warrants?

5 A We got warrants.

6 Q And you brought the warrants back?

7 A We were even in Judge Kolodney's office. Before
8 we ever issued the warrants we called up. I was reluctant
9 to even have these people arrested and give them one more
10 chance to leave the restaurant.

11 Q They refused to leave?

12 A Yes, sr. Judge Kolodney called to Mr. Watts in
13 our presence. I didn't want to have them arrested but they
14 refused to leave.

15 Q Were they taken down to the station house?

16 A They were. They were released on bond.

17 Q Well, their names were taken by the police at
18 your place of business, is that correct?

19 A That's right.

20 Q And then they were told to be at the station house
21 the following morning?

1 A That's right.

2 Q At that time they placed the bond at that time?

3 A Yes, sir.

4 Q But they weren't actually taken in physical
5 custody by the police on this Friday, were they sir?

6 A Well, I can't remember. They have been in about
7 six or seven times. In fact one time they came in --

8 MR.WATTS: I object.

9 THE WITNESS: And I think this is important too.

10 THE COURT: Yes?

11 MR. WATTS: I object to this, if your Honor please.

12 THE COURT: The same defendant, do you know?

13 THE WITNESS: Yes, the same group.

14 THE COURT: The same defendants?

15 THE WITNESS: Same defendants.

16 THE COURT: Overrule the objection. Go ahead.

17 THE WITNESS: At the Shriner's Convention, at
18 12:30, with a hundred people waiting for seats and the
19 bar and lounge, it's three deep and three of them come in
20 the rear entrance, minors under 21, into a bar and lounge
21 and we got to call the police to get them out there, blocking

1 the way, people can't get out. They couldn't have been
2 served a drink because everyone here has testified they're
3 under 21.

4 MR. WATTS: I'll object to this unless he can
5 specifically identify who it was. Someone who came in on
6 another occasion shouldn't have any effect.

7 THE COURT: That's why I asked him if any of the
8 same defendants here were in the other episode?

9 THE WITNESS: Yes, sir.

10 THE COURT: Can you point out the ones?

11 THE WITNESS: This man right here and that one
12 next to him.

13 MR. MURPHY: He is indicating --

14 THE WITNESS: That's two of them right there.

15 MR. MURPHY: Robert Johnson and Richard McKoy.

16 THE WITNESS: They came in the bar during the
17 Shriner's convention and we had a hundred people waiting
18 for seats and blocked the aisle. We had to call the police
19 to get them out. Into a bar and lounge under 21.

20 MR. MURPHY: Witness with you.

21 THE COURT: Mr. Murphy, I have one of two names,

1 I don't have the second.

2 'MR. MURPHY: Richard McKoy. Robert M. Johnson.

3 THE COURT: Is is McKoy or McKay?

4 MR MURPHY: K-O-Y.

5

6 CROSS EXAMINATION BY MR. WATTS:

7 Q Mr. Hooper, you made a lot to do about the age of
8 these people. Do you serve anyone under 16 in your restau-
9 rant?

10 A What do you mean I made a lot to do about the age.

11 Q Answer my question? Do you serve anybody -- ?

12 A Before I can answer I must know what you're re-
13 ferring to.

14 Q You made a lot to do about the fact these people
15 were under 16?

16 A I'm merely just stating I heard what they said.

17 Q You do serve white people under 16?

18 A Not in the bar. We serve food in the dining room.

19 Q All right. You mean if a white person enters your
20 bar -- You serve meals in the bar, do you?

21 A Only to people over 21.

1 Q You don't serve meals to a family in the bar?

2 A No.

3 Q When they came into your bar they were on their
4 way to the restaurant, were they not?

5 A Well, I don't know. They got as far as the door.
6 I don't know where they were going to stop.

7 Q They have to go through your bar to get in the
8 restaurant . You stopped them at the bar?

9 A The front door is a distance of fifteen feet to
10 the dining room door. They were stopped at the dining room
11 door.

12 Q In the bar nobody asked you to serve them a
13 drink of whiskey, isn't that correct?

14 A They were not given the chance. They couldn't
15 even get to the bar. They were three deep.

16 Q Their presence in the bar have nothing to do with -

17 A We have a neon sign on the entrance to the bar.
18 That's where they came in.

19 Q But you stopped them there, is that correct?

20 A That's right.

21 Q Now, what I'm trying to get at Mr. Hooper, you

1 gave the Court the impression these minors were in there
2 to buy whiskey. That's not true?

3 A I did not give them that impression. I'm stating
4 the facts. I didn't get that impression.

5 Q Now, when Mr. Quarles and you sat down and you
6 told him that you would not serve him and why doesn't he
7 leave --

8 A Tony Adano and Quarles too.

9 Q -- didn't they then tell you they wanted to stay
10 to demonstrate the immorality and the unfairness of your
11 racial discrimination, isn't that correct?

12 A Mr. Watts, --

13 Q Answer my question?

14 A I'm going to answer it.

15 Q Did they tell you that?

16 A Can I answer it?

17 Q I don't want to get in any argument?

18 A It's not an argument. I want to answer you ques-
19 tion. I go on record as I favor what you people are trying
20 to do and I told Quarles that.

21 Q I say didn't they ?

1 A But I don't approve of your method in trying to
2 reach it.

3 Q Didn't they say even though you won't serve them
4 they were going to stay because they were demonstrating
5 and assembling against your racial policies so that the
6 sympathy of the public might come on their side? Did they
7 explain that to you?

8 A Well now, you're putting words there. I couldn't
9 say that he said that. We had a long conversation about
10 this thing. I told Mr. Quarles that I felt personally that
11 it was an insult to human dignity. I sympathize with it
12 and also told them that my customers govern my policy.

13 Q Didn't they say they wanted to show your customers
14 that people can sit peaceably and be served?

15 A In other words then you're trying to tell methat
16 Mr. Quarles has a better opinion about how I conduct my
17 business than I do.

18 Q I'm not arguing with you?

19 A That's what you're saying.

20 Q I'm trying to get evidence --

21 THE COURT: Just a minute. Mr. Hooper, I think it

1 would be more helpful if you didn't get too emotional. Mr.
2 Watts wants to know what Quarles said to you was the reason
3 these people were in your place? Did Mr Quarles or anyone
4 give any reason?

5 'THE WITNESS: Well, Mr. Quarles said in the course
6 of our conversation -- Your Honor, it's very difficult for
7 me to say verbatim, but --

8 THE COURT: What was the substance ?

9 THE WITNESS: The gist of it was this: That they
10 had gained a lot through these peaceful sitins demonstra-
11 tions, particularly in the South and they felt that, I
12 told them that, Mr. Quarles, that they had come a long way.
13 Five years ago such a thing would be unheard of and I thought
14 if time would take care of what they were trying to do -
15 He said "we're not waiting for time. We're going to force
16 this thing and we're going to accomplish it and it definite-
17 ly has been proven we have gotten results by forging ahead
18 and trying to exert our rights whether we violate the law
19 or not."

20 Q (Mr. Watts) Didn't Mr. Quarles tell you that
21 this was a peaceful non-violent demonstration?

1 A He didn't have to tell me. It was evident, other
2 than the time he shoved the hostess aside.

3 Q It was evident they were peaceful?

4 A After they got seated they were peaceful. They
5 read books. They did not want to be served food.

6 Q Now, Mr. Hooper, stand up. You remember seeing
7 this gentleman before?

8 A Maybe I have. I can't remember.

9 Q Mr. Mitchell, stand up?

10 A Yes, sir. That's the leader. I have talked to
11 him too.

12 Q That's all we'd like to ask.

13

14

15

SGT. JOHN SAUER,

16

produced on behalf of the State, having first been
17 duly sworn according to law, was examined and tes-
18 tified as follows:

19

THE BAILIFF:

20

Q Your name and assignment?

21

A Sgt. John Sauer. Central.

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DIRECT EXAMINATION BY MR. MURPHY:

Q Sgt. Sauer, I want to direct your attention to June 17th of this year, did you receive a call or did someone ask you to come over to Hooper's Restaurant, Fayette and Charles Street here in Baltimore City?

A Lt. Redding and I were standing on the corner, as a result of the crowd that was there on the corner when Mr. Warfel come out of the restaurant and requested we come in while he read the trespassing ordinance to these people in the restaurant.

Q Now, did you and Lt. Redding go over to the restaurant then?

A We did. We went inside.

Q About what time was that, sergeant?

A It was about 4:30.

Q P.M?

A Yes, sir.

Q And you describe to his Honor what occurred, what you observed when you went in the restaurant and what occurred thereafter?

A When we got into the restaurant there were several

1 people sitting around at different tables. I think it was
2 about oneto a table.

3 Q Were these white or colored people?

4 A They were colored people.

5 Q Did they appear to be older people or younger
6 people?

7 A Most of them appeared to be younger.

8 Q Go ahead?

9 A The general group were young. Mr. Warfel request-
10 ted we stand there while he read the ordinance to them
11 relative to the trespassing act.

12 Q Article 27, Section 577 of the Maryland Code?

13 A That's right, sir.

14 Q And you were present when Mr. Warfel read that
15 to the defendants?

16 A Yes, I was.

17 Q Go ahead?

18 A After reading it to the people in the upper part
19 of the restaurant, he requested then that they leave. They
20 refused. So he asked his clerks and the waitresses to go
21 about the group and get their names and addresses and have

1 them identify themselves. All of those there who did
2 identify themselves stayed. Some refused to identify them-
3 selves at that time. After reading the ordinance upstairs
4 we went down to the basement restaurant which is more or
5 less of a cafeteria arrangement and the same thing followed
6 down there. He read the ordinance down there and of the par-
7 ties left. Some of them stayed and identified themselves.
8 After this was all through the group were requested to
9 leave again and refused. We advised then Mr. Hooper he
10 would have to get warrants if he wished to have the people
11 arrested. He said that he would, and he left to go the
12 Central District. I went down to pick up the warrants, When
13 I got down there it seemed that Magistrate Kolodney had had
14 some conversation with Mr. Quarles or one of the group on
15 the telephone at the restaurant and arrangements were made
16 whereby they could come down on Monday to a trial volun-
17 tarily.

18 Q All right. Well, you then secured the warrants
19 from the magistrate?

20 A The warrants were secured but they weren't served
21 at that time.

1 Q And they were not placed in custody at that time?

2 A No, sir.

3 Q Did you go back to the restaurant?

4 A Yes, I went back. The time I went back the people
5 had left.

6 Q They had left at that time?

7 A Yes, sir.

8 Q All right. Now what were the names of the people
9 that identified themselves at that time? The ones that were
10 so requested to do so by the employees of Mr. Hooper?

11 Well, all right. Counsel, your Honor, has stipula-
12 ted between the State and the traversers, Robert M. Bell,
13 Lovellen P. Brown, Arimentha D. Bullock, Rosetta Gainey,
14 Annette Green, Robert M. Johnson, Richard McKoy, Aliceteen
15 E. Mangum, John R. Quarles, Muriel B. Quarles, Lawrence M.
16 Parker and Barbara F. Whittaker, that they are the same
17 individuals that were in Hooper's Restaurant on June 17th
18 of this year. The same persons that refused to leave at
19 that time after being refused service because of their race
20 and that they are the people that gave their names to the
21 employees of Hooper's Restaurant at that time and that they

1 are the same defendants on trial here today. Is that so
2 stipulated counsel ?

3 MR. WATTS: That is so stipulated.

4 MR. MURPHY: No question about the identification
5 of the various individuals?

6 MR. WATTS: None whatever.

7 MR. MURPHY: Your witness.

8

9 CROSS EXAMINATION BY MR. WATTS:

10 Q Sergeant, there was no disorder while you were
11 there?

12 A No, Everybody was peaceful.

13 Q Sergeant, you are a member of the City Police
14 Department?

15 A That's correct.

16 Q And who pays you, the State of Maryland or the
17 City of Baltimore?

18 A That's a difficult question.

19 Q But you are, you were acting as a police officer?

20 A Yes, sir.

21 Q Paid by either the city or the State, is that

1 correct?

2 A Yes, sir.

3 Q That's all.

4 THE COURT: Sergeant, do you know the overall time
5 the group might have been in Hooper's, from the time they
6 went in until the time they left?

7 THE WITNESS: I'd say approximately an hour to
8 an hour and a half, your Honor.

9 THE COURT: Thank you.

10 MR. MURPHY: Thank you sergeant. The State will
11 rest if your Honor please.

12 MR. WATTS: If your Honor please, at this time
13 at the end of the State's case, under the rules, we'd like
14 to submit for your Honor's consideration a motion for a
15 directed verdict. If your Honor will read it hurriedly?
16 Most the parts follow the same pattern.

17 THE COURT: I guess I should reserve a ruling on
18 the motion at this time.

19 MR. WATTS: I'd like a ruling on the technical
20 procedural matters, if your Honor please? Are you going
21 to withhold your ruling on a directed verdict? Can we put

Proposed Motion for a directed verdict

1 on some evidence and you rule on it later?

2 THE COURT: Yes.

3

4

5

JOHN R. QUARLES, SR.,

6

produced on his own behalf, having first been duly

7

sworn according to law, was examined and testified

8

as follows:

9

THE BAILIFF:

10

Q Your name and address?

11

A John R. Quarles, Sr. 409 W. Lafayette Avenue.

12

13

DIRECT EXAMINATION BY MR. WATTS:

14

Q Mr. Quarles, are you one of the defendants?

15

A Yes, sir.

16

Q And you are a student at Morgan College, is that

17

correct?

18

A Yes, sir.

19

Q What year are you in now?

20

A My second year at Morgan.

21

Q Are you a member of a civic interest group that

1 staged this ; how do you classify this, demonstration, is
2 that right?

3 A Yes, sir.

4 Q Now tell his Honor, I think Mr. Hooper referred
5 to the fact that he talked to you when you first went in
6 the restaurant, is that correct?

7 A Well first, after entering the restaurant I was
8 greeted first by the hostess and she asked me, as she said,
9 "Can I help you please?" I asked her, I said "Well, we
10 would like a table for all of us". She said "I'm sorry but
11 we haven't integrated as yet".

12 Q At that time were you prepared to pay for meals
13 if all of you had been served?

14 A Well, we have a treasury. At that time I had
15 some fifty-five or sixty dollars in my pocket.

16 Q Go ahead?

17 A And after she stated she would not serve us
18 because she was an employee there and she could not go
19 over the orders of Mr. Hooper I asked her, well, why was it
20 that Mr. Hooper had a segregated restaurant, didn't he
21 think that we were of a caliber, of the caliber of human

1 beings to be served as humans. She stated she had nothing
2 to do with this, she was only a person who was employed
3 there. Later, about two or three minutes later the manager
4 walked up to me and he proceeded to explain to me Mr.
5 Hooper's policy of segregation. At the time that he was
6 explaining this to me, we all had our backs turned to the
7 group of students who were seeking service at the restaurant,
8 and they were in a line waiting to be seated and at the
9 time we were talking and had our backs to them, some of
10 the students proceeded to come up the flight of steps, two
11 or three steps and set themselves at tables. Well, after
12 the manager and the hostess became aware of this they ran
13 over, which was only about two or three steps and threwed
14 up their arms to block the students that were coming in.
15 The students who were blocked, they had been instructed
16 prior to entering the restaurant if anything came about
17 where they were blocked or obstructed by any of the employ-
18 ees of the restaurant they were to stop, stand still and
19 not force their way into the restaurant or force their way
20 to be seated. This procedure they carried out. The students
21 who were not able to be seated in the upper part of the

1 restaurant went downstairs to the grill and after the
2 students were seated upstairs, about 10 or 12 students
3 were seated upstairs and about the same number downstairs,
4 Mr. Hooper came in and he proceeded to talk to me about
5 this. He was telling me how he had negro employees in his
6 restaurant and he had negroes in his business, for the
7 duration of his business every since he had been in business.
8 I was asking him, well, why wasn't it these negroes he
9 thought so much of weren't capable of sitting at his tables
10 to eat? He said, well, it's because my customers don't want
11 to eat with negroes. I then asked him why was it or how
12 was it that he knew that his customers did not want to
13 eat with negroes? He couldn't answer that question and he
14 asked me why we were sitting there. I explained to him
15 we were there to be served and also to let his customers
16 become aware of the problem of segregation in Baltimore
17 City and then he proceeded to say, give me his views on
18 how he felt about it. He didn't believe this was the way
19 to do it and so forth and so on. I explained to him then
20 when he said this, ^{were} we/not there to interrupt his business
21 and we were not there to distort or destroy his business.

1 We were simply there seeking service as humans and also
2 as citizens of the United States of America.

3 Q Now you describe this as a demonstration. Were
4 you there as pickets in the process of assembling in pro-
5 test against these policies as such?

6 A Yes, we were there and there were also some
7 pickets who were outside picketing with placards, stating
8 Mr. Hooper's policy so that the persons passing by or
9 customers coming in would realize that Mr. Hooper had a
10 segregated policy in his restaurant?

11 Q Those who went in were part of those who were
12 outside?

13 A That's right.

14 Q No further questions.

15

16 CROSS EXAMINATION BY MR. MURPHY:

17 Q Well your actual purpose then was to demonstrate
18 rather than to eat, isn't that correct?

19 A The actual purpose first of all was to eat. After
20 being refused service, that was when the demonstration
21 came about.

1 Q Well is it normal for you when you go out to eat
2 someplace to get together a group of fifty persons? Is
3 that the number that you have at a dinner party when you
4 go out usually?

5 A Well I have known this group to eat at dinner
6 parties as many as 33 students.

7 Q Well I mean actually, you went over there and
8 the group went over there to demonstrate, isn't that
9 correct?

10 A No. First of all we went there to eat.

11 Q When asked by your counsel you said that it was
12 a demonstration at this restaurant, isn't that correct?

13 A Yes, that's what it turned out to be, a demon-
14 stration.

15 Q You characterized it as a demonstration, right?
16 Is that correct?

17 A I don't quite get your question.

18 Q You characterized it to your counsel as a demon-
19 stration, that you were demonstrating at the restaurant,
20 isn't that right?

21 A We were demonstrating after being refused.

1 Q You went there as pickets?

2 A We went there with students waiting, seeking
3 service.

4 Q Did they have pick~~et~~ signs?

5 A The picket signs were not brought out until after
6 we were refused service. They were sent for.

7 Q Well, you had already had these signs prepared
8 did you not to use to picket?

9 A Those signs were prepared for the Hecht Company
10 Rooftop Restaurant.

11 Q Now, where did your group meet before you went
12 over there?

13 A Where did the group meet?

14 Q Yes?

15 A The group met at Dunbar High School, around 3:30
16 p.m.

17 Q And did you organize the group at that time?

18 A No, I did not.

19 Q And tell them where you were going to go?

20 A I didn't organize the group. Mr. Bell stated
21 there were some students, his Student Council, he was Presi-

1 dent of the Student Council at Dunbar High School, and I
2 stated to him that some of the students from Morgan were
3 going downtown to seek service from a restaurant. I did
4 not give him a specific restaurant. He said he had students
5 in his student council, members of his student council who
6 wanted to go along.

7 Q To swell your numbers down at the restaurant,
8 isn't that correct?

9 A I don't quite follow your question.

10 Q It's very simple. You were getting additional
11 people from the high school so that you would have more
12 people in your group when you went downtown?

13 A No. This all came about at a conference where Mr.
14 Bell was present. He said he'd like his students to attend.

15 Q In order to add to your number when you went
16 downtown?

17 A It did make the number larger.

18 Q That's what I mean. Isn't that why you wanted
19 them to go?

20 A I wanted them to go to seek service.

21 Q Do you know if any of the young girls had money

1 to pay for the meals in the restaurant?

2 A Yes, sir.

3 Q They all --

4 A They all had their own individual money. I asked
5 them prior to leaving from the highschool.

6 Q You only know what someone told you, right?
7 You don't know if they had any money or not of your own
8 knowledge?

9 A That's true. I only go along with what they said.
10 I don't think they'd have a reason to tell an untruth.

11 Q When you went there, did you expect to get a
12 separate table for each person that went in the restaurant?
13 Did you?

14 A Well I went there and I seated myself at a table.
15 Mr. Parker joined me at my table and it was up to each
16 student whom they decided they want to sit at a table with.

17 Q I see. They were going from table to table, were
18 they not?

19 A No, they were not. Once they seated themselves
20 they remained at the table they were seated in.

21 Q Well, didn't they try to occupy as many tables

1 as they could?

2 A No.

3 Q Weren't there plenty of tables where only one
4 person was sitting?

5 A There were plenty of tables. If I'm not mistaken
6 there were 12 to 14 empty tables in the restaurant.

7 Q You say this was not calculated to interrupt
8 Mr. Hooper's business?

9 A No, it was not.

10 Q By taking seats at separate tables it was not
11 calculated to interrupt his business?

12 A No it was not calculated to interrupt his business.

13 Q Why did some of the students go downstairs? Didn't
14 you say they went downstairs because they couldn't be
15 seated upstairs?

16 A After they were blocked forcibly by the manager
17 and hostess, they proceeded downstairs to seek service.

18 Q Well, wasn't it the purpose in going there was
19 to occupy as many tables as you could? Isn't that correct?

20 A No. If that were the purpose, if you, if that was
21 the purpose in mind and having an idea that he had some 30

1 to 35 tables, it wouldn't make any sense at all with that
2 in mind to go in with 12 to 24 students.

3 Q Well you did occupy as many tables as you all
4 could, didn't you?

5 A No. As I said each student seated him or herself
6 with the persons they decided to go to eat with. As I said
7 I was joined by Mr. Parker.

8 Q And after you were seated did you give your
9 order to anybody and tell anybody what you wanted to eat?

10 A After I was seated there was no more discussion
11 until Mr. Hooper came up and seated himself beside me. Then
12 his son came after he did, about five minutes after he sat
13 down at the table with me and we had a discussion on the
14 same thing.

15 Q Well, did you ask for a menu when you got seated?

16 A I asked for a menu when I walked in.

17 Q You say you asked to be seated, right? But after
18 you were seated did you ask for a menu or a waitress to
19 come to you?

20 A The waitress came over and informed me she could
21 not serve me.

1 Q Do you know if any of these other people in your
2 group asked for a menu?

3 A No, I don't know if any of the other group -

4 Q Really you didn't go in there to get served at
5 all?

6 MR. WATTS: I'll object to this, if your Honor
7 please. The reason, if your Honor please, the State's
8 case indicates Mr. Hooper advised these students he was
9 not going to serve, which makes it ^a useless gesture to order.
10 That is his case he's trying to make a lot out of. Mr.
11 Hooper said he wasn't going to serve him.

12 THE COURT: I think ^{the} the last question is in order,
13 although I think its been answered before.

14 Q (Mr. Murphy) All right. Let me ask you this.
15 You were asked to leave, were you not?

16 A Yes, sir.

17 Q All of you?

18 A Yes, sir.

19 Q And Mr. Warfel, the manager, read the statute
20 to you on trespassing?

21 A He did.

1 Q And as a matter of fact some of your group did
2 leave?

3 A Yes, they did.

4 Q But you and these other young people that were
5 with you refused to leave, is that correct?

6 A We remained still seeking service. We were in
7 hopes that Mr. Hooper would change his policy and serve us.

8 Q You refused to leave when you were asked to
9 leave, is that right?

10 A Yes, sir. I stated why I refused to leave.

11 Q Mr. Hooper told you or one of the employees told
12 you if you did not leave that they would try to have the
13 police place you under arrest?

14 A That's right, they did.

15 Q And you and these others still refused to leave,
16 right?

17 A Still sat there seeking service.

18 Q You also have referred to this, these happenings
19 at Mr. Hooper's restaurant as an assembly, is that correct?

20 A No, I don't recall.

21 Q An assembly of students? I believe your counsel

1 asked you if you had pickets there, whether you were assemb-
2 ling there and your answer was yes. You were trying to
3 assert your right to assemble under the constitution, is
4 that right, your free right to assemble?

5 A That's right.

6 Q Well, you were trying to use Mr. Hooper's restau-
7 rant to assemble on private property to assemble your group,
8 is that it?

9 A Well isn't it true they also have --

10 Q I'm not here to answer the questions. You're here
11 to answer the questions. My question to you is this; you
12 were using Mr. Hooper's restaurant to assert your right to
13 free assembly? Is that what you're telling the Court?

14 A That's right.

15 Q On private property?

16 A That I don't know about.

17 Q All right. I have no further questions.

18

19 REDIRECT EXAMINATION BY MR. WATTS:

20 Q Now Mr. Quarles, you remained even though you knew
21 you were going to be arrested?

1 A Yes, sir.

2 Q Is that part of your technique in these demon-
3 strations?

4 A Yes, sir.

5 Q Why would you be willing to be arrested?

6 A Because I think arrest is a small price to pay
7 for your freedom as a human being.

8 MR. MURPHY: Well, I'll have to move that that be
9 stricken out, your Honor?

10 THE COURT: No, I'll permit it.

11 Q (Mr. Watts) Now you have been in other restau-
12 rants before is that correct?

13 A That's right.

14 Q And you sat there like you did in Mr. Hooper's
15 restaurant?

16 A That's right.

17 Q Did the business continue as usual?

18 MR. MURPHY NOW, I'm going to object to that.

19 MR. WATTS: Well, he raised a question about
20 interrupting Mr. Hooper's business. He said he went there
21 not to interrupt. I want to show he's been demonstrating

1 and hasn't interrupted --

2 THE COURT: That would go to the policy.

3 MR. WATTS: He made a lot to do, stating the fact
4 this was intended to interrupt Mr. Hooper's business. I'm
5 trying to show this has been done on many occasions when
6 business was not interrupted so that by following through
7 it indicates this was not the intention of these people.

8 MR. MURPHY: I still object to it.

9 THE COURT: I'm not sure it's admissbile Mr. Watts,
10 but I'll let him answer it.

11 Q (Mr. Watts) Have you been on other demonstra-
12 tions and sat like this and business continued?

13 A Yes, sir.

14 Q People sat and ate and were served, is that
15 correct? You have also been in restaurants as you did on
16 this particular occasion and been served?

17 A Yes, sir.

18 Q You were informed then that the policy had been
19 changed?

20 A That's right, sir.

21 Q Did you have this in mind when you went to Mr.

1 Hooper's ?

2 A Yes, sir. A number of places we went to seeking
3 service, even maybe prior to entering, the restaurant was
4 segregated but after entering the manager has changed his
5 policy and served us right then and there.

6 Q Are you a member of the R.O.T.C. at Morgan State
7 College?

8 A Yes, I am.

9 Q After you graduate, what are your plans?

10 MR. MURPHY: Well, I'll have to object.

11 THE COURT : Yes. I sustain that.

12 MR. WATTS: That's all.

13 Q Mr. Quarles, you knew you were under arrest, is
14 that right, by the police department?

15 A Yes, sir.

16 Q And you appeared on Monday voluntarily, in the
17 station house?

18 A Voluntarily.

19 Q To submit to an arrest by the State, is that
20 correct?

21 A That's right.

1 Q All right, that's all.

2

3 ROBERT JOHNSON,

4 produced on his own behalf, having first been duly
5 sworn according to law, was examined and testified
6 as follows:

7 'THE BAILIFF:

8 Q Your full name and address?

9 A Robert Johnson. 1711 N. Castle St.

10

11 DIRECT EXAMINATION BY MR. WATTS:

12 Q Are you a student?

13 A I'm a student at Morgan State College.

14 Q What year are you in?

15 A Freshman.

16 Q You admit that you were there on the date alleged
17 in the indictment?

18 A I was there.

19 Q Have you ever been in any Hooper's any other
20 occasion?

21 A No, I haven't.

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CROSS EXAMINATION BY MR. MURPHY:

Q When you went to Mr. Hooper's restaurant on this day, how much money did you have in your pocket?

A I had nineteen dollars in my pocket.

Q When had you eaten lunch that day?

A I hadn't eaten lunch.

Q You didn't eat lunch? You didn't go over to Mr. Hooper's to eat, did you?

A Yes, I did.

Q You went over as part of this demonstration actually?

A I went there seeking service as Mr. Quarles stated.

Q Your primary purpose was to demonstrate?

A No. Only if I had been refused service was I to demonstrate.

Q You anticipated you were going to be refused service because the pickets signs had already been prepared, hadn't they?

A No. I hadn't anticipated any such thing.

Q I see. At the table you sat at, who sat with you

1 or did you sit by yourself?

2 A I sat downstairs in the Grill and there were
3 several others at the counter which I was seated.

4 Q All right. No further questions.

5

6 REDIRECT EXAMINATION BY MR. WATTS:

7 Q In other words, you never went through that
8 little opening there where the hostess was standing?

9 A No.

10 Q How many of you who are defendants in this case
11 went downstairs and did not go through that place?

12 A About 12 of us.

13 Q Who are defendants here of this group?

14 A All of them.

15 Q Were downstairs with you?

16 A No, not all of them.

17 Q Approximately how many ?

18 A About six.

19 Q That's all.

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RICHARD MCKOY,

produced on his own behalf, having first been duly sworn according to law, was examined and testified as follows:

THE BAILIFF:

Q Your full name and address?

A Richard McKoy. 159 N. Colvin St.

DIRECT EXAMINATION BY MR. WATTS:

Q Mr. McKoy, just one question I'd like to ask you too. Mr. Hooper pointed out you as having been to his restaurant on an occasion other than alleged in the indictment. Have you been to Mr. Hooper's restaurant on any other occasion?

A No, I haven't.

Q Are you a student?

A Yes, sir.

Q Where are you a student?

A Dunbar High School.

Q What year are you in?

A I'm a senior.

1 Q CROSS EXAMINATION BY MR. MURPHY:

2 Q When did you first become associated with these
3 demonstrations in restaurants? When did you first get
4 interested in that?

5 A Well, the first time I had heard about dining
6 at Hooper's was, at least dining at a restaurant was when
7 Robert Bell said that we were, we would, he would, well,
8 said that there were some students went into Hooper's to
9 seek service. Well, I agreed that I'd like to go because,
10 well, I hadn't eaten lunch for a while. Since we were going
11 to eat I said I'd go too.

12 Q So you thought you'd go down and get a little
13 lunch down at Hooper's?

14 A That's right, a little lunch.

15 Q But you thought you would go down with this big
16 group, is that right?

17 A Since they were all friends of mine.

18 Q I see.

19 A Yes, sir, they --

20 Q When did you first know, -- My question merely
21 was this. Maybe I didn't make it quite clear to you. Have you

1 ever previously demonstrated in any other restaurants?

2 A No, I hadn't.

3 Q As a matter of fact wasn't there or isn't there
4 some sort of instruction that they give you before you go
5 down to the restaurant as to how to conduct yourself?

6 A Instructions? I don't understand.

7 Q Well, don't Mr. Quarles or doesn't Mr. Quarles
8 or whoever is in charge of the group tell you to act
9 peacefully when you go in a restaurant?

10 A Well, I think the only thing stated is that he
11 wants to make sure that each person is dressed properly.
12 While, you know --

13 Q I see. Before you ever go down to lunch at
14 Hooper's, Mr. Quarles or whoever is in charge of the group
15 asked you to be dressed properly, right?

16 A Yes, sir.

17 Q To conduct yourself peacefully in the place, is
18 that right?

19 A He didn't say anything about conducting myself.

20 Q Not you in particular. I mean the group in
21 general when he is addressing the group, doesn't he say that?

1 A Well, as I remember, well, it was quite a while
2 ago. He said that on entering, on entering the restaurant
3 we weren't to force our way through anyone.

4 Q I see. Well, I mean he does give you, like a
5 football coach would do before the game, he gives you
6 instruction on how to operate when you go down there, right?

7 A Not exactly operate. He gives us -

8 Q How to conduct yourself?

9 A The rules of etiquette.

10 Q The rules of etiquette? I see. Does he give you
11 money to pay for the meals?

12 A No, he doesn't.

13 Q Did you have any yourself?

14 A Yes, I did.

15 Q I'm not going to ask you how much. Well then,
16 before you ever do go down to the restaurant they tell you,
17 they give you the guide posts or the rules on what to do
18 when you get there?

19 A What is this, a sheet or something?

20 Q I don't mean a sheet. They do instruct you, Mr.
21 Quarles or whoever is in charge of the group,, get the group

1 together and gives them a pep talk and tells them what to
2 do?

3 A I previously stated.

4 Q Are you not instructed to sit at many tables or -

5 A No.

6 Q You occupied a table by yourself?

7 A Yes, I did. Anyone was invited to come and sit
8 with me if they like.

9 Q If you were going to lunch and you wanted to go
10 with this big group of 25 or more people, why did you sit
11 at a table by yourself? Had somebody done something to
12 offend you that you had to leave the group?

13 A No. No one had done anything to offend me. I
14 just sat at the first table empty that I saw.

15 Q You sat at a table by yourself?

16 A Yes, sir.

17 Q Nobody else sat with you even though -

18 A Unconsciously I sat at a table.

19 Q Even though you had all been assembled to go,
20 before you went down, you didn't sit with anybody, is that
21 correct?

1 A No, I didn't.

2 Q And did you attempt to place an order?

3 A Well, I had thought that when you sit in a
4 restaurant or at least when you enter a restaurant and have
5 a seat, someone would come to the table and ask you if -
6 give you a menu and ask you what you would like.

7 Q Did you ask for a menu? Did you ask for service?
8 Did you place a specific order for any food?

9 A Well, thinking as I did, I didn't think it was
10 necessary for me to call anyone's attention to the fact
11 that I wanted to be served.

12 Q Well now, Mr., I think it was Mr. Warfel did read
13 this Maryland Statute on trespassing, is that correct?

14 A Yes, he did.

15 Q And didn't he tell you and the other people in
16 the restaurant that if you did not leave peacefully, after
17 he had read the statute, that you were going to be placed
18 under arrest?

19 A Yes, sir.

20 Q And you still refused to leave at that time, is
21 that correct?

1 A Yes, sir. I refused because, well, I think my
2 reason is the same as Mr. Quarles.

3 Q Well in any event you refused?

4 A Yes, I refused.

5

6 REDIRECT EXAMINATION BY MR. WATTS:

7 Q While you were there did they serve any white
8 people?

9 A Yes, sir. There was one man sitting in the
10 restaurant.

11 Q Were any ladies in the downstairs where you were?

12 A I was upstairs.

13 Q Well, he was served is that correct?

14 A Yes, he was.

15 Q All right.

16

17 PHILLIP H. SAVAGE,
18 produced on behalf of the defendants, having first
19 been duly sworn according to law, was examined and
20 testified as follows:
21

1 THE BAILIFF:

2 Q Your full name and address?

3 A Phillip H. Savage. 3226 Carlisle Avenue.

4

5 DIRECT EXAMINATION BY MR. WATTS:

6 Q Mr. Savage, are you still a member of a civic
7 interest group?

8 A Yes, sir.

9 Q And Mr. Hooper who previously testified in this
10 case made mention of the fact at the time that the Shriners
11 were there a large group of teenagers or subteen-agers,
12 people under 16, entered his restaurant. Now first of all,
13 were you there on that occasion?

14 A Yes, sir.

15 Q When the Shriners were there?

16 A Yes, sir.

17 Q Tell his Honor what happened on that occasion?

18 A We had just come from the Honorable Mayor Grady's
19 office seeking additional mobile registration units at
20 Cherry Hill and Lafayette market. After leaving Mayor
21 Grady's office, we went to Mr. D'Alesandro's office to

1 discuss this matter with him further. When we left Mr.
2 D'Alesandro's officer I think there were 12 of us altogether.

3 Q Just a moment. For the record, Mr. D'Alesandro
4 you're referring to -

5 A Supervisor of Elections. We proceeded up Fayette
6 Street and we decided we would go in Hooper's and eat.
7 Since there were a great number of us, we divided. One
8 group went in the side door, the other group went in the
9 front door.

10 Q How many of you were there?

11 A I think there were 12 altogether. I think, I'm
12 not sure of the exact number. When we entered through the
13 revolving doors, three or four of us were able to actually
14 get into the premises of the restaurant at that time, be-
15 cause the gentleman, I don't recall who he was, proceeded
16 to hold the door, blocking a number of us from entering.
17 In fact he tried to push the door back causing one girl's
18 arm to be caught in to the door but after realizing this he
19 did release it. The three or four who were in, were being
20 pushed around and trying to be removed from the restaurant,
21 and the gentlmen who was standing at the door was telling

1 the young lady to try and get a police officer. Well,
 2 finally he went out the revolving door, enabling the rest
 3 of the group to enter while they went for the police officer
 4 who was at the corner there directing the traffic. This
 5 officer proceeded to push his way through the door and we
 6 were then entered or seated on a couch that - there were
 7 three of us seated and three standing. This officer then
 8 told us with an abusive manner --

9 MR. MURPHY: I'll object to the characterization.
 10 He can tell us what it is?

11 THE WITNESS: The officer then said to us that
 12 we had to leave.

13 Q (Mr. Watts) What I'm trying to get at, what
 14 was the age group of the people?

15 A Well, most of us were over 21.

16 Q Was there anybody under 16?

17 A Oh no, definitely not.

18 Q Do you remember who the youngest one was?

19 A I really don't know who is the youngest because
 20 I don't know their ages.

21 Q There wasn't anybody under 16?

1 A I don't think there were anybody under 16 as I
2 know of.

3 Q Who all left at that time?

4 A What happened was that this officer finally asked
5 the lady to read the ordinance. After reading the ordinance
6 we did leave. The first group. I'd like to say this Mr.
7 Watts, because I think it's important. When we got on the
8 outside, we were out and then the police officers came,
9 seemingly because there was a riot or something. When the
10 other group was read out we left.

11 Q All right.

12

13

14 CROSS EXAMINATION BY MR. MURPHY:

15 Q Well then, the altercation was such inside of the
16 restaurant that a number of police came, as you have said,
17 as if there were a riot in the place, is that correct?

18 A It seemed that way because of a number of officers.

19 Q Don't you think your conduct and the conduct of
20 your associates at the time amounted to a breach of the
21 peace?

1 A It did not.

2 Q Well, you were forcing your way physically into
3 this restaurant after the owners had told you that they
4 didn't want you in there?

5 A We never forced our way in there. There were
6 three of us who got in. The others were forcibly prevented
7 from coming in.

8 Q Well, you were all trying to push your way in,
9 weren't you?

10 A No, we were not. At no time. When the door was
11 held, we stopped.

12 Q Well, you were describing somebody being caught
13 in the door and everything else, weren't you?

14 A Yes, but this was only that they were trying to
15 enter the restaurant at the time.

16 Q And the owners or their agents were trying
17 through physical force to keep you from entering, right ?

18 A Only that - What I mean by physical force that
19 he held the door preventing it from revolving.

20 Q The people that were with you, although you had
21 been told you could not enter, and it was obvious to you

1 that physical force was going to be used by the owner and
2 his agents to keep you from entering, you still attempted
3 to enter and did as a matter of fact enter, isn't that
4 correct?

5 A We only entered after the door was moved by the
6 police officer allowing us to get in.

7 Q And you don't feel that this contributed, your
8 conduct contributed to a breach of the peace, sir?

9 A In no way.

10 Q I have no further questions.

11 MR. WATTS: Of course we'd like to impose an
12 objection to this manner of cross examination on the
13 ground that Mr. Savage isn't on trial and this was on
14 another occasion and not on the 17th. Let the record
15 indicate that.

16 THE COURT: Very well.

17 MR. WATTS: That's extraneous cross-examination.

18 MR. MURPHY: I didn't put him on. Counsel put him
19 on. I just cross-examined him exactly about the same things
20 that he asked him about in direct examination.

21

1 REDIRECT EXAMINATION BY MR. WATTS:

2 Q You had no reason -- You didn't call the police?

3 A No, we didn't.

4 Q And actually any conflict that was, was a breach
5 of the peace is when the police came --

6 MR. MURPHY: I object to that.

7 THE COURT: I didn't hear --

8 MR. WATTS: I said the only breach of the peace
9 if any, was when the police came?

10 A When the police came.

11 Q At that time -

12 A This caused more excitement then our presence.

13 Q You had left?

14 A Yes, we had left.

15 Q All right. That's our case, your Honor.

16 THE COURT: I think a reference was made by this
17 witness and others to the reading of the ordinance? It's
18 agreed the ordinance was really a statute?

19 MR. MURPHY: Yes, sir.

20 MR. WATTS: That's our case.

21 MR. MURPHY: The State has no rebuttal.

Renewal of motion for a directed verdict 76

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MR. WATTS: Of course we move again for our motion for a directed verdict.

THE COURT: I'll reserve my ruling. I think you would like to have an opportunity to present a brief?

MR. WATTS: I'd like to be heard briefly now. It might be we could submit our brief at a later date and argue it at a later date.

THE COURT: I think it might be better.

(Conclusion of the Testimony)

STATE OF MARYLAND

VS.

ROBERT MACK BELL, LOVELLEN
P. BROWN, ARIMENTHA D. BULLOCK,
ROSETTA GAINY, ANNETTE GREEN,
ROBERT M. JOHNSON and
RICHARD MCKOY, ALICETEEN E.
MANGRUM, JOHN R. QUARLES, SR.,
MURIEL B. QUARLES, LAWRENCE
M. PARKER and BARBARA F. WHITTAKER

* IN THE CRIMINAL COURT OF

*

BALTIMORE CITY - *Maryland*
Part III

*

Ind. No. 2523Y

*

*

*

* * * * *

✓ APPEAL - *filed April 12, 1961*

MR. CLERK:

Please enter an appeal of the conviction of the Defendants,
in the above-entitled case to the Court of Appeals of Maryland.

121 *Robert B. Waits*
ROBERT B. WAITS
1520 E. Monument Street
Baltimore 5, Maryland

121 *Juanita J. Mitchell*
JUANITA J. MITCHELL
1239 Druid Hill Avenue
Baltimore 17, Maryland

121 *Tucker R. Dearing*
TUCKER R. DEARING
627 N. Aisquith Street
Baltimore 2, Maryland

Attorneys for Defendants

(FILE RECORDS DEPT. OFFICE)

COSTS

Defendant's costs \$89.00
Preparation of Record None
Stenographer's costs 79.00
Total \$168.00

STATE OF MARYLAND, CITY OF BALTIMORE, To Wit:

I HEREBY CERTIFY, that the foregoing is a true Copy of the Record in the aforesaid Case, taken and copied from the Record of Proceedings of the Criminal Court of Baltimore.

IN TESTIMONY WHEREOF, I hereto set my hand and affix the Seal of the Criminal Court of Baltimore, this Twenty-second day of May, A. D., 1961.

Lawrence R. Mooney

Clerk of the Criminal Court of Baltimore

Clerk's Certificate to foregoing
transcript omitted in printing.

Supreme Court of the United States

No. -----, October Term, 1961.

ROBERT MACK BELL, ET AL.,

Petitioners,

v.

MARYLAND

(FILED)

✓ ORDER EXTENDING TIME TO FILE PETITION FOR WRIT OF CERTIORARI - *april 5, 1962*

UPON CONSIDERATION of the application of counsel for petitioner(s),

IT IS ORDERED that the time for filing petition for writ of certiorari in the above-entitled cause be, and the same is hereby, extended to and including

June 8 _____, 1962.

Wm. J. Brennan
Associate Justice of the Supreme Court of the United States.

Dated this *5th* _____ day of *April* _____, 19 *62*.

Supreme Court of the United States

No. 167 ----- , October Term, 19 62

Robert Mack Bell, et al.,

Petitioners,

vs.

Maryland

✓ ORDER ALLOWING CERTIORARI. Filed June 10 ----- , 1963.

The petition herein for a writ of certiorari to the
of Appeals
~~Supreme Court~~ of the State of **Maryland** ----- is granted, **and**
the case is placed on the summary calendar.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

IN THE
COURT OF APPEALS
OF MARYLAND

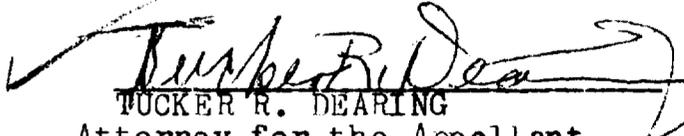
ROBERT M. BELL, ET. AL. :
APPELLANTS : SEPTEMBER TERM, 1961
V. : NO. 91
STATE OF MARYLAND :
APPELLEE :

STIPULATION EXTENDING TIME FOR FILING
APPELLANTS' AND APPELLEE'S BRIEF

Pursuant to the Provision of Rule 830 Paragraph (3) of the rules of the Court of Appeals of Maryland, Michie Publishing Company for 1957, counsel for the Appellants and counsel for the Appellee, do hereby enter into the stipulation, agreeing to extend the time for filing the briefs of the Appellants and Appellee.

Now, therefore, it is hereby stipulated and agreed that the time for filing of said brief of the appellant Robert M. Bell and the other Appellants, due to be filed in this Court on September-15- 1961 is this 13th day of September, 1961, extended to September-25-1961.

It is further stipulated and agreed between the respective counsels that the time for filing the Appellee's, the State of Maryland's brief shall be extended to October-28-1961.


TUCKER R. DEARING
Attorney for the Appellant


LAWRENCE F. RODOWSKY
Assistant Attorney General of
Maryland

*also
State's atty (Harris)*

9/14/61
JLL

IN THE
COURT OF APPEALS
OF MARYLAND

ROBERT M. BELL, et. al. :
Appellant :
September Term, 1961
VS. :
No. 91
STATE OF MARYLAND :
Appellee

STIPULATION EXTENDING TIME FOR FILING
APPELLANT'S AND APPELLEE'S BRIEFS

Pursuant to the Provision of Rule 830 Paragraph (3) of the Rules of the Court of Appeals of Maryland, Michie Publishing Company for 1957, Counsel for the Appellants and Counsel for the Appellee, do hereby enter into a stipulation, agreeing to extend the time for filing the Briefs of the Appellants and Appellee.

Now, therefore, it is hereby stipulated and agreed that the time for filing of said Brief of the Appellant^s Robert M. Bell and the other Appellants, due to be filed in this Court on August-15-1961 is 14th day of August, 1961, extended to September-15-1961.

It is further stipulated and agreed between the respective counsels that the time for filing the Appellee's, the State of Maryland 's Brief shall be extended to October-18-1961.

*also
State's atty (Harris)*

Tucker R. Dearing
TUCKER R. DEARING
Attorney for the Appellant

Lawrence F. Rodowsky
Lawrence F. Rodowsky
Assistant Attorney General of
Maryland

9
8/15/61
jkk

IN THE
COURT OF APPEALS
OF MARYLAND

ROBERT M. BELL, et al
Appellant

vs.

September Term, 1961

No. 91

STATE OF MARYLAND
Appellee

* * * * *

STIPULATION EXTENDING TIME FOR FILING
APPELLANT'S AND APPELLEE'S BRIEFS

Pursuant to the Provision of Rule 830 Paragraph (3) of the rules of the Court of Appeals of Maryland, Michie Publishing Company for 1957, Counsel for the Appellants and Counsel for the Appellee, do hereby enter into a stipulation, agreeing to extend the time for filing the Briefs of the Appellants and Appellee.

Now, therefore, it is hereby stipulated and agreed that the time for filing the said Brief of the Appellant Robert M. Bell and the other Appellants, due to be filed in this Court, on July 5, 1961 is this 3rd day of July, 1961, extended to August 15, 1961.

It is further stipulated and agreed between the respective counsels that the time for filing Appellee's the State of Maryland's Brief shall be extended to October 2, 1961.

✓ Tucker R. Dearing
Tucker R. Dearing
Attorney for the Appellant

✓ Lawrence F. Rodowsky
Lawrence F. Rodowsky
Assistant Attorney General of
Maryland

*also
state's atty (Harris)*

5 7/5/61
jll

December 10, 1964

E. P. Cullinan, Esquire
Chief Deputy Clerk
Supreme Court of the United States
Washington, D. C. 20025

Dear Mr. Cullinan:

I enclose the Petition for Rehearing, filed in this Court on November 23, 1964, in the case of Robert Mack Bell, et al. v. State of Maryland, No. 91, September Term, 1961, and a copy of the letter advising counsel of the action of the Court.

I hope this information will be of assistance.

Very truly yours,

Clerk

JLY/mjm
Enclosure

File
"Pending" Document
JTB

December 8, 1964

Tucker R. Dearing, Esq.
Attorney at Law
627 Aisquith Street
Baltimore, Maryland 21202

Dear Sir:

The Court has considered your "Petition for Rehearing," filed on November 23, 1964, in the case of Robert Mack Bell, et al. vs. State of Maryland, No. 91, September Term, 1961, and, for your information, the Court has granted the petition, but has instructed the Clerk not to reschedule this appeal awaiting the outcome of similar issues now pending before the United States Supreme Court.

Very truly yours,

Clerk

JLY/ojr

cc: Office of the Attorney General
Office of the State's Attorney of
Baltimore City
Mrs. Juanita Jackson Mitchell,
Attorney at Law
Jack Greenberg, Esq. (N.Y.C.)

LAW OFFICES

DEARING & TOADVINE

627 AISQUITH STREET

BALTIMORE 2, MD.

PEABODY 2.6651

November 19, 1964

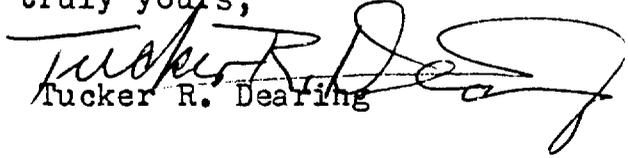
TUCKER R. DEARING
WILLIAM M. TOADVINE

Clerk of Court of Appeals of
Maryland
Annapolis, Maryland

Dear Sir:

Enclosed find the original and six copies of a motion which we have prepared requesting a rehearing in The Case of Robert Mack Bell, et al v. State of Maryland, No. 91, which was decided October 22, 1964.

Very truly yours,


Tucker R. Dearing

11/23/64 - Dearing pl. Is sending
check to cover filing fee. — ^{at} rec'd GR

Copies of petition mailed to judges.

GR

IN THE COURT OF APPEALS OF MARYLAND

No. 91

SEPTEMBER TERM, 1961

ROBERT MACK BELL, et al.,

v.

STATE OF MARYLAND.

FILED NOV 23 1964
J. LLOYD YOUNG, CLERK
COURT OF APPEALS OF MARYLAND

PETITION FOR REHEARING

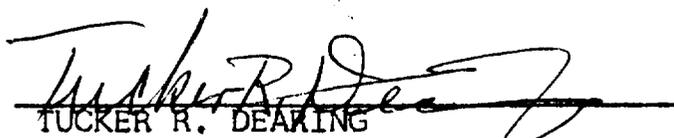
The appellants herein, by their attorneys, respectfully request that the court grant rehearing in this case on the grounds set forth below.

The opinion on remand filed herein on October, 22, 1964, decided that the Civil Rights Act of 1964 did not require abatement of these prosecutions or prohibit punishment of appellants. It is submitted that this issue presents substantial federal statutory and constitutional questions not yet decided by the United States Supreme Court. However, these very same issues are now pending before the United States Supreme Court in two cases which have already been briefed, argued and taken under advisement. Hamm v. City of Rock Hill, cert. granted, 377 U.S. 988, and Lupper v. Arkansas, cert. granted, 377 U.S. 989 (both cases argued October 12, 1964; 33 U.S.L. Week 3141). Appellants submit that, particularly in view of the prior opinion of the Supreme Court in this case on the abatement question (Bell v. Maryland, 378 U.S. 226), there is a substantial likelihood that the Supreme Court may hold that the Civil Rights Act of 1964 abates such

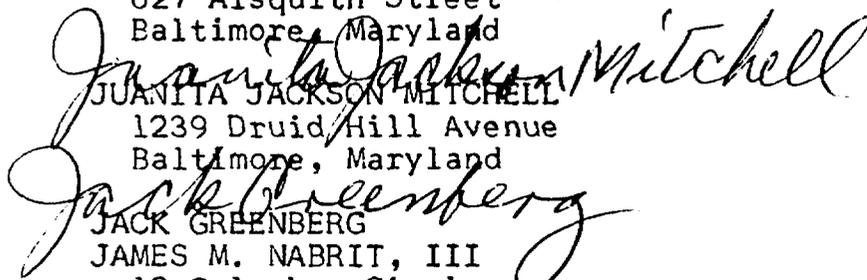
prosecutions. Such a decision would, of course, be determinative of this case and binding upon this Court.

In view of these circumstances, it is respectfully requested that this Court grant rehearing and defer final action on this appeal until the effect of the Civil Rights Act of 1964 is authoritatively determined. We believe that this course of action would be consonant with sound judicial management, in that, whatever the outcome of the pending cases in the United States Supreme Court, this Court can, by postponing final decision, avoid a possible unnecessary appeal concerning a settled question. Basic equity considerations favor the avoidance, where possible, of unnecessary appeals for the convenience of the courts and the parties.

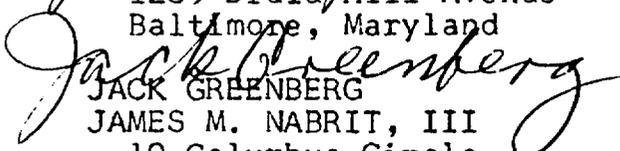
Respectfully submitted,



TUCKER R. DEARING
627 Aisquith Street
Baltimore, Maryland



JUANITA JACKSON MITCHELL
1239 Druid Hill Avenue
Baltimore, Maryland



JACK GREENBERG
JAMES M. NABRIT, III
10 Columbus Circle
New York 19, New York

Attorneys for Appellants

CERTIFICATE OF SERVICE

I hereby certify that on the 16th day of November, 1964, I served a copy of the foregoing Petition for Rehearing on the Honorable Thomas B. Finan, Attorney General of the State of Maryland; Robert C. Murphy, Esq., Deputy Attorney General, Baltimore, Maryland; and William J. O'Donnell, Esq., State's Attorney for Baltimore City, by United States mail, postage prepaid, addressed as indicated above.


Attorney for Appellants

April 9, 1965

Tucker R. Dearing, Esq.
Attorney at Law
627 Aisquith Street
Baltimore, Maryland 21202

Dear Sir:

The Court has considered the motion for order vacating judgment, etc. in the case of Robert Mack Bell, et al. vs. State of Maryland, No. 91, September Term, 1961. For your information, an Order of Court was filed in the matter today and a copy is enclosed.

The Clerk of the Criminal Court of Baltimore has been instructed to attach a copy of this Order to the supplemental mandate issued from this office on October 23, 1964.

Very truly yours,

Clerk

JLY/ojr
Enclosure

cc: Lawrence R. Mooney, Esq.,
Clerk, Criminal Court of Baltimore
Office of the Attorney General
Mrs. Juanita Jackson Mitchell,
Attorney at Law
Office of the State's Attorney of Baltimore City

ROBERT MACK BELL, et al

v.

STATE OF MARYLAND

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In The
Court of Appeals
of Maryland
No. 91
September Term, 1961

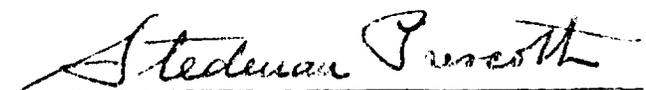
O R D E R

Upon consideration of the motion for order vacating judgment of conviction, or in the alternative, to set case for argument on rehearing,

It is, this 9th day of April, 1965, ORDERED by the Court of Appeals of Maryland that the supplemental mandate of this Court filed on October 23, 1964, affirming the judgments of the Criminal Court of Baltimore be, and the same is hereby, vacated, and it is further

ORDERED that the judgments of the Criminal Court of Baltimore be, and they are hereby, reversed with costs, and it is further

ORDERED that the Mayor and City Council of Baltimore pay the court costs below and in this Court, and that the State of Maryland pay the sum of four hundred and sixty-two dollars and ninety-three cents (\$462.93) to Robert Mack Bell, et al, for their costs expended in the prosecution of their appeal to the Supreme Court of the United States, as directed by that Court.


Chief Judge

FILED APR 1 1965
J. LLOYD YOUNG, CLERK
COURT OF APPEALS OF MARYLAND

IN THE COURT OF APPEALS OF MARYLAND

No. 91

SEPTEMBER TERM, 1961

ROBERT MACK BELL, et al.,

Appellants,

v.

STATE OF MARYLAND,

Appellee.

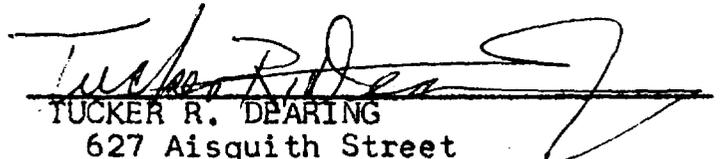
MOTION FOR ORDER VACATING JUDGMENT OF
CONVICTION OR, IN THE ALTERNATIVE, TO
SET CASE FOR ARGUMENT ON REHEARING

This Court filed an opinion, October 22, 1964, again affirming appellants' convictions after remand of this case by the United States Supreme Court. Appellants requested rehearing, directing the court's attention to the pendency of similar issues in the United States Supreme Court. This Court granted rehearing and deferred argument awaiting the outcome of those cases which were Hamm v. City of Rock Hill and Lupper v. State of Arkansas.

The issues involved have been settled by the Supreme Court in accord with the appellants' arguments that such prosecutions are abated by the Civil Rights Act of 1964. The abovementioned cases were decided in a single opinion, sub nom. Hamm v. City of Rock Hill, 379 U.S. 306, on December 14, 1964. The Hamm opinion was again followed in Blow v. North Carolina, 33 U.S.L. Week 3264 (U. S. Sup. Ct., February 1, 1965). Appellants submit that these rulings are completely dispositive of the present

case and that the convictions should be reversed without further argument. However, if the court desires further argument, we request that the case be set as early as may be convenient because numerous trial courts in the State of Maryland are awaiting the final disposition of this case.

Respectfully submitted,


TUCKER R. DEARING
627 Aisquith Street
Baltimore, Maryland

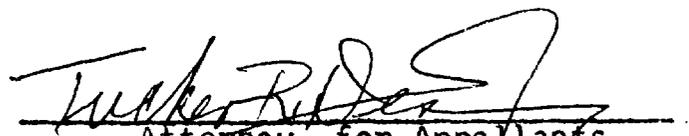
JUANITA JACKSON MITCHELL
1239 Druid Hill Avenue
Baltimore, Maryland

JACK GREENBERG
JAMES M. NABRIT, III
10 Columbus Circle
New York 19, New York

Attorneys for Appellants

CERTIFICATE OF SERVICE

I hereby certify that on the 30th day of March, 1965, I served a copy of the foregoing Motion for Order Vacating Judgment of Conviction Or, in the Alternative, to Set Case for Argument on Rehearing on the Honorable Thomas B. Finan, Attorney General of the State of Maryland; Robert C. Murphy, Esq., Deputy Attorney General, Baltimore, Maryland; and William J. O'Donnell, Esq., State's Attorney for Baltimore City, by United States mail, postage prepaid, addressed as indicated above.


Attorney for Appellants

[1965]

the the first stipulation of this case, because numerous other courts in the State of Maryland are satisfied that the case be set as early as any one convenient argument, however, it the court decide further arguments, we case and that the conviction should be reversed without further

Respectfully submitted,

Motion for Order
Vacating judgment
of conviction or,
in the alternative
to set case for
argument and
hearing.

granted
4-9-68
See Order of
Court attached
hereto.
COURT FOR ALLEGEDLY
NEW YORK 12, NEW YORK
CO. COMPANY OF
W. M. WILSON
RESIDENCE
1000 BROADWAY
NEW YORK 10
1000 BROADWAY
NEW YORK 10

OFFICE OF SERVICE

I hereby certify that on this 1st day of March, 1968,

Filed, April 1 - 1965

April 19, 1965

Tucker R. Dearing, Esquire
627 Aisquith Street
Baltimore, Maryland 21202

Re: Bell v. Maryland

Dear Tucker:

#91-1961

I am now in receipt of the Order dated April 9, 1965 by the Court of Appeals of Maryland in connection with the above captioned case, wherein it reverses the judgments of the Criminal Court of Baltimore, with costs, the same to be paid by the Mayor and City Council of Baltimore.

In reviewing the several mandates of the Court of Appeals, it appears to me that the following costs are payable to you:

Costs in the Supreme Court of the United States	\$462.93
Costs in the Court of Appeals of Maryland	604.66
Costs in the Criminal Court of Baltimore	<u>79.00</u>
TOTAL	\$1,146.59

By letter dated August 14, 1964, Jack Greenberg, Director-Counsel, requested that check for the costs be made payable to him and that he would make the necessary adjustments with other counsel.

Supreme Court of the United States

No. 167 -----, October Term, 19 62

Robert Mack Bell, et al.,

Petitioners,

vs.

Maryland

✓ ORDER ALLOWING CERTIORARI. Filed June 10 -----, 1963.

The petition herein for a writ of certiorari to the
of Appeals
~~Supreme Court~~ of the State of Maryland ----- is granted, and
the case is placed on the summary calendar.

And it is further ordered that the duly certified copy
of the transcript of the proceedings below which accompanied
the petition shall be treated as though filed in response to
such writ.

Supreme Court of the United States

No. -----, October Term, 1961.

ROBERT MACK BELL, ET AL.,

Petitioners,

v.

MARYLAND

(TITLE CHANGED)

✓ ORDER EXTENDING TIME TO FILE PETITION FOR WRIT OF CERTIORARI - *april 5, 1962*

UPON CONSIDERATION of the application of counsel for petitioner(s),

IT IS ORDERED that the time for filing petition for writ of certiorari in the above-entitled cause be, and the same is hereby, extended to and including

June 8 _____, 1962.

Wm. J. Brennan
Associate Justice of the Supreme Court of the United States.

Dated this *5th* _____ day of *April*, 19 *62*.

COSTS

Defendant's costs \$89.00
Preparation of Record None
Stenographer's costs 79.00
Total \$168.00

STATE OF MARYLAND, CITY OF BALTIMORE, To Wit:

I HEREBY CERTIFY, that the foregoing is a true Copy of the Record in the aforesaid Case, taken and copied from the Record of Proceedings of the Criminal Court of Baltimore.

IN TESTIMONY WHEREOF, I hereto set my hand and affix the Seal of the Criminal Court of Baltimore, this Twenty-second day of May, A. D., 1961.

Lawrence R. Mooney
Clerk of the Criminal Court of Baltimore

Clerk's Certificate to foregoing
transcript omitted in printing.

STATE OF MARYLAND

VS.

ROBERT MACK BELL, LOVELLEN
P. BROWN, ARIMENTHA D. BULLOCK,
ROSETTA GAINY, ANNETTE GREEN,
ROBERT M. JOHNSON and
RICHARD MCKOY, ALICETEEN E.
MANGRUM, JOHN R. QUARLES, SR.,
MURIEL B. QUARLES, LAWRENCE
M. PARKER and BARBARA F. WHITTAKER

* IN THE CRIMINAL COURT OF

*

BALTIMORE, CITY *Maryland*
Part III

*

Ind. No. 2523Y

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APPEAL - *filed april 12, 1961*

MR. CLERK:

Please enter an appeal of the conviction of the Defendants,
in the above-entitled case to the Court of Appeals of Maryland.

121 *Robert B. Watts*
ROBERT B. WATTS
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121 *Juanita J. Mitchell*
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121 *Tucker R. Dearing*
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627 N. Aisquith Street
Baltimore 2, Maryland

Attorneys for Defendants

(THIS ENDORSEMENT REQUIRED)