885/1925

IN
THE SUPERIOR COURT
OF
BALTIMORE CITY.

HOWARD E. YOUNG, et al

Vs.

MAYOR AND CITY COUNCIL
OF BALTIMORE CITY, et al

PETITION FOR MANDAMUS

Mr. Clerk:

Please file and issue and make the writ returnable on the 2nd Monday in September 1925.

W. Hoffman Hawkins
Warner T. McGuinn
Attorneys for Plaintiff

Service of copy of the within petition and notice this 8th day of September 1925.

R. B. Heilmann
L. C. C. Wallace
Asst City Solr
Attorney for Defendant

WARNER T. McGUINN
ATTORNEY AT LAW
215-217 ST. PAUL PLACE
BALTIMORE, MD.

FILED 8th Sept 1925

THE DAILY RECORD COMPANY
Baltimore, Md.

Original

HOWARD E. YOUNG JAMES E. FISHER ISIAH L. BROWN TRULY HATCHETT WILLIAM H. THOMAS PLAINTIFFS	*	IN THE
VS.	*	SUPERIOR COURT
MAYOR AND CITY COUNCIL OF BALTIMORE CITY, a municipal corporation, HOWARD BRYANT, HOWARD W. JACKSON, R. WALTER GRAHAM, PHILIP B. PERLMAN AND BERNARD L. CROZIER, constituting the Board of Estimates of the Mayor and City Council of Baltimore and ISAAC S. FIELD, ADDISON E. MULLIKEN, JOHN W. EDEL, THEODORE E. STRAUS, DR. FRANK J. GOODNOW, WARREN S. SEIPP, JOHN W. MARSHALL, Mrs. JOHN WESLEY BROWN, MRS. LEWIS H. LEVIN, constituting the Board of School Commissioners of the Mayor and City Council of Baltimore, DEFENDANTS.	*	OF BALTIMORE CITY.

TO THE HONORABLE, ELY FRANK, The Judge of the Superior Court of Baltimore City.

The petition of Howard E. Young, James E. Fisher, Isiah L. Brown, Truly Hatchett and William H. Thomas, all of whom are residents in, and citizens of, the City of Baltimore in the State of Maryland and all of whom are tax payers of said City and some of whom are parents of children who are attending the Douglass Senior-Junior High School and the Colored Training School hereinafter referred to, respectfully represents and shows unto your Honor:

1. That in recognition of the fundamental principle of equal pay for equal work without distinction as to sex or color as expressed both by the City Council of Baltimore and the legislature of the State of Maryland, the Mayor and City Council of Baltimore, acting through its proper agencies, the

Board of Estimates and the City Council, made the necessary provisions for the application of said principle in the Annual Ordinance of Estimates of the Mayor and City Council of Baltimore for the year 1925 (Ordinance No. 260); which was approved November 10th, 1924, by appropriating to the Board of School Commissioners of Baltimore City, the sum of fifty thousand ($50,000.00) for this purpose in an item in said Ordinance worded as follows: "Equalization of salaries to be paid during the year 1925 in Senior High Schools, the appropriation for Senior High Schools salaries elsewhere in this Ordinance together with fifty thousand dollars ($50,000.00) herein provided for or so much thereof as may be necessary, to be considered a lump appropriation and to be expended only in accordance with a new schedule of salaries the Senior High Schools to be filed with, and approved by the Board of Estimates subsequent to the passage of this Ordinance."

2. That there are in the City of Baltimore, under the management and control of the aforesaid Board of School Commissioners, the following schools, designated by the said Board of School Commissioners as Senior High Schools, to wit: The Baltimore City College, The Baltimore Polytechnic Institute, the Eastern High School, The Western High School, The Forest Park Senior-Junior High School, The Frederick Douglass Senior-Junior High School and The Colored Training School, all except the last being described and designated, in the publication of the Board of School Commissioners, as Senior High Schools.

3. That the Board of School Commissioners on Thursday, the 11th day of June, in the year 1925, submitted to the Board of Estimates a new schedule of salaries for Senior High Schools and a plan by which said salaries were to be equalized which by resolution passed on the said 11th day of June, in the year

1925, was approved by the said Board of Estimates, but your complainants aver that the said schedule and plan were limited in their application, to The Baltimore City College, The Polytechnic Institute, The Eastern High School, The Western High School and The Forest Park Senior-Junior High School, thus purposely omitting, from the operation of the plan of equalization of salaries thus approved The Frederick Douglass Senior-Junior High School and The Colored Training School.

4. That the Board of School Commissioners in submitting its list of schools and teachers entitled to enjoy the benefits of the sum of money appropriated as aforesaid by the Mayor and City Council of Baltimore in its scheme of equalization of the salaries of the teachers in the Senior High Schools of the City and the aforesaid Board of Estimates at the joint meeting of said bodies held on the 11th day of June, 1925, to consider the matter of equalization of salaries deliberately left out of any consideration on their part, the said Frederick Douglass Senior- Junior High School and The Colored Training School and the members of the faculties of both schools who by their years of service and credits are fully entitled in every way to share in this scheme of equalization of salaries, along with the teachers in the other Senior High Schools of the City.

5. That the legislature of the State of Maryland passed an act in the year 1924 (Chapter 233) approved April 9th, 1924, against distinction or discrimination in the public schools of the State of Maryland and in Baltimore City on account of sex in the following words:

"Be it enacted by the General Assembly of Maryland, That it shall be unlawful for the State Superintendent of Schools or any of his assistants, and for the Board of School

Commissioners of Baltimore City, or for any superintendent or assistant employed by said Commissioners, and for any superintendent or commissioner of public education in any of the Counties or municipal corporations of the State of Maryland, and for any assistants employed by them or either of them, TO MAKE ANY DISTINCTION OR DISCRIMINATION in favor of or against any teacher who may be employed in any of the public schools of this State, or of the City of Baltimore, or of the various counties or municipal corporations of this State on account of sex, it being the intent and purpose of this Act that the provisions thereof shall apply with reference to the appointment, assignment, compensation, promotion, transfer, dismissal and all other matters pertaining to the employment of teachers in the public schools of the State of Maryland, the City of Baltimore and the various counties and municipal corporations of the State of Maryland; and your petitioners say that there are many female teachers employed in the Frederick Douglass Senior-Junior High School and the Colored Training School of equal service merit doing work prescribed by the said Board of School Commissioners of Baltimore City, precisely the same as is prescribed and done by the male teachers in the Baltimore City College and the Polytechnic Institute and on the other hand there are many male teachers in the Frederick Douglass Senior-Junior High School and the Colored Training School of Equal service merit doing work prescribed by the said Board of School Commissioners of Baltimore City, precisely the same as is prescribed and done by the female teachers in the Western and Eastern High Schools and unless the respondents by the Writ of Mandamus are commanded to include in the plan of equalizing the salaries of the teachers of the Frederick Douglass Senior-Junior High

School and the Colored Training School on a parity with the teachers of the Baltimore City College, the Polytechnic Institute and the Eastern and Western High Schools, the law of this State as set forth in Chapter 233 of the year 1924 will be flagrantly violated and set at naught.

6. That your petitioners are advised that said action of the said Board of School Commissioners and the said Board of Estimates in excluding from the plan of equalization aforesaid, the said Frederick Douglass Senior-Junior High School and the Colored Training School is wholly unwarranted and unlawful, and that while it is in the discretion of the said Boards under the terms of said appropriation items to schedule how the amount of said appropriation shall be actually distributed and applied in individual instances upon the basis of length of service experience etc., for the purpose of securing the equalization of the salaries paid to teachers in the said secondary schools in accordance with the said principle of equal pay for equal work and in accordance with said chapter 233, 1924 Acts of the General Assembly of Maryland, they have no lawful right whatever wholly to exclude from the plan of equalization, the teachers of the Frederick Douglass Senior-Junior High School and the Colored Training School as they have done.

7. That your petitioners aver and charge that the discrimination in the matter of salaries paid by the said Board of School Commissioners, between the teachers engaged in the Frederick Douglass Senior-Junior High School and the Colored Training School and the teachers engaged in the other secondary schools of Baltimore City is grossly inequitable and arbitrarily discriminatory and creates and maintains a condition among the teachers in the former which is not

helpful to the work done at these schools, in that many of these teachers, are constantly on the lookout for better paying positions elsewhere, and as soon as they are found, which frequently happens, they leave with the result that inexperienced teachers must be taken to fill their places.

8. That your petitioners are advised that the action of the said Board of School Commissioners in submitting to the Board of Estimates the new schedule of salaries of teachers in secondary schools, covering the list of schools and teachers entitled to share in the appropriation aforesaid, leaving out therefrom the teachers of the Frederick Douglass Senior-Junior High School and the Colored Training School, who are entitled to be named therein, and the action of the said Board of Estimates in approving the schedule of salaries so submitted, is wholly unwarranted and unlawful, and is in violation of the first clause of the 14th Amendment of the constitution of the United States in that it denies to the teachers engaged in the Frederick Douglass Senior-Junior High School and the Colored Training School and the children who attend, from time to time, said schools the equal protection of the Laws.

WHEREFORE, your petitioners pray that a Writ of Mandamus may be issued, directed to the Mayor and City Council of Baltimore City and to the persons who constitute at present the said Board of Estimates; namely, Howard Bryant, Howard W. Jackson, R. Walter Graham, Philip B. Perlman, and Bernard L. Crozier and also to the persons who constitute at present the said Board of School Commissioners; namely, Isaac S. Field, Addison E. Mulliken, John W. Edel, Theodore E.Straus, Dr. Frank J. Goodnow, Warren S. Seipp, John W. Marshall, Mrs. John Wesley Brown and Mrs. Lewis H. Levin, all residents in the City of Baltimore in the State of Maryland, commanding them and each

of them to include in the said plan of equalization approved by said Boards on the 11th day of July 1925, the teachers of the Frederick Douglass Senior-Junior High School and the Colored Training School and to apply the said sum of fifty thousand dollars ($50,000.00 or such additional sum or sums of money as may be necessary to the equalization of the present salaries of said secondary teachers in the Frederick Douglass Senior-Junior High School and the Colored Training School in conformity with the policy and principle of equal pay for equal work and in conformity with the law of the State of Maryland.

Howard E. Young.

James E. Fisher

Isaiah L. Brown

Truly Hatchett

William H. Thomas.

W. Ashbie Hawkins

Warner T. McGuinn

Attorneys for Plaintiffs

STATE OF MARYLAND, City of Baltimore, to wit:

I hereby certify, that on this 5th day of September in the year 1925, before me, the subscriber, a notary public, of the State of Maryland, in and for Baltimore City aforesaid, personally appeared Howard E. Young, James E. Fisher, and Truly Hatchett, three of the Petitioners named in the aforegoing petitiom, and on their own behalf and on behalf of the other Petitioners made oath in due form of law that the matters and facts stated in said petition are true to the best of their knowledge and belief.

As witness my hand and Notarial Seal hereto set the day and year aforesaid.

CARLOS C. JENNINGS NOTARY PUBLIC BALTIMORE, MD.

Carlos C. Jennings
Notary Public

ORDERED, this 8th day of September in the year 1925, by the Superior Court of Baltimore City, on the aforegoing petition, that a rule be, and it is hereby, laid on the said Mayor and City Council of Baltimore City and on the persons who constitute, at present, the said Board of Estimates; namely, Howard Bryant, Howard W. Jackson, R. Walter Graham, Philip B. Perlman and Bernard L. Crozier and on the persons who constitute, at present, the said Board of School Commissioners; namely, Isaas S. Field, Addison E. Mulliken, John W. Edel, Theodore E. Straus, Dr. Frank J. Goodnow, Warren S. Seipp, John W. Marshall, Mrs. John Wesley Brown and Mrs. Lewis H. Levin, the defendants named in said Petition, requiring them and each of them to show cause why the Writ of Mandamus should not issue as prayed, ~~and that the day of 1925, be and it is hereby fixed for a hearing of said Petition;~~ on or before September 18th 1925 provided ~~that~~ a copy of this Order is served on the said defendants or their attorney or attorneys, on or before the 11th day of September in the year 1925.

~~Audit as further as stated~~

~~Clerk~~ Robert F. Stanton

In the
Superior Court
of
Baltimore City.

Howard E. Young, James E. Fisher, Isaiah L. Brown, Truly Hatchett and William H. Thomas,

Plaintiffs,

vs.

The Mayor and City Council of Baltimore City, a municipal corporation, et al.

Defendants.

Amended Petition.

Mr. Clerk;
Please file.

W. Ashbie Hawkins
Warner T. McGuinn
Attorneys for Plaintiffs.

HAWKINS & McMECHEN
ATTORNEYS AT LAW
BANNEKER BUILDING
14 E. PLEASANT STREET
BALTIMORE, MD.

FILED 18 June 1926

THE DAILY RECORD COMPANY
Baltimore, Md.

Howard E. Young, James E. Fisher, Isaiah L. Brown, Truly Hatchett, William H. Thomas, Plaintiffs,	*	In the Superior Court
vs.	*	
Mayor and City Council of Baltimore City, a municipal corporation, Howard Bryant, Howard W. Jackson, R. Walter Graham, Philip B. Perlman, and Bernard L. Crozier, constituting the Board of Estimates of the Mayor and City Council of Baltimore and Isaac S. Field, Addison E. Mullikin, John W. Edel, Theodore E. Straus, Dr. Frank J. Goodnow, Warren S. Seipp, John W. Marshall, Mrs. John Wesley Brown, Mrs. Lewis H. Levin, constituting the Board of School Commissioners of the Mayor and City Council of Baltimore, Defendants.	*	of Baltimore City.

AMENDED PETITION.

To the Honorable, Ely Frank, the Judge of the Superior Court of Baltimore City.

The petition of Howard E. Young, James E. Fisher, Isaiah L. Brown, Truly Hatchett and William H. Thomas, all of whom are residents in, and citizens of, the City of Baltimore in the State of Maryland and all of whom are tax payers of said City and some of whom are parents of children who are attending the senior branch of the Douglass Senior-Junior High School and the Colored Training School hereinafter referred to, respectfully represents and shows unto your Honor:

1. That in recognition of the fundamental principle of equal pay for equal work without distinction as to sex or color as expressed both by the City Council of Baltimore and the legislature of the State of Maryland, the Mayor and City Council of Baltimore, acting through its proper agencies, the Board of Estimates and the City Council, made the necessary provisions for the application of said principle in the Annual Ordinance of Estimates of the Mayor and City Council of Baltimore for the year 1925 (Ordinance No.260)

which was approved November, 10th, 1924, by appropriating to the Board of School Commissioners of Baltimore City, the sum of fifty thousand dollars ($50,000.00) for this purpose in an item in said ordinance worded as follows: "Equalization of Salaries to be paid during the year 1925 in Senior High Schools, the appropriation for Senior High School salaries elsewhere in this ordinance together with fifty thousand dollars ($50,000.00) herein provided for or so much thereof as may be necessary, to be considered a lump appropriation and to be expended only in accordance with a new schedule of salaries the Senior High Schools to be filed with, and approved by the Board of Estimates subsequent to the passage of this Ordinance".

2. That there are in the City of Baltimore, under the management and control of the aforesaid Board of School Commissioners, the following schools, designated by the said Board of School Commissioners as Senior High Schools, to wit: The Baltimore City College, The Baltimore Polytechnic Institute, The Eastern High School, The Western High School, The Forest Park Senior-Junior High School, The Frederick Douglass Senior-Junior High School and The Colored Training School, all except the last being described and designated, in the publication of the Board of School Commissioners, as Senior High Schools.

3. That the Board of School Commissioners on Thursday, the 11th day of June, in the year 1925, submitted to the Board of Estimates a new schedule of salaries for Senior High Schools and a plan by which said salaries were to be equalized which by resolution passed on the said 11th day of June, in the year 1925, was approved by the said Board of Estimates, but your complainants aver that the said schedule and plan were limited in their application, to The Baltimore City College, The Polytechnic Institute, The Eastern High School, The Western High School and The Forest Park Senior-Junior High School, thus purposely omitting, from the operation of the plan of equalization of salaries thus approved The Frederick Douglass Senior-Junior High School and The Colored Training School.

4. That the Board of School Commissioners in submitting its lists of schools and teachers entitled to enjoy the benefits of the sum of money appropriated as aforesaid by the Mayor and City Council of Baltimore in its

scheme of equalization of salaries of the teachers in the Senior High Schools of the City and the aforesaid Baord of Estimates at the joint meeting of said bodies held on the 11th day of June, 1925, to consider the matter of equalization of salaries deliberately left out of any consideration on their part, the said Frederick Douglass Senior-Junior High School and The Colored Training School and the members of the faculties of both schools who by their years of service and credits are fully entitled in every way to share in this scheme of equalization of salaries, along with the teachers in the other Senior High Schools of the City.

5. That the legislature of the State of Maryland passed an act in the year 1924 (Chapter 233) approved April 9th, 1924, against distinction or discrimination in the public schools of the State of Maryland and in Baltimore City on account of sex in the following words:

"Be it enacted by the General Assembly of Maryland, That it shall be unlawful for the State Superintendent of Schools or any of his assistants, and for the Board of School Commissioners of Baltimore City, or for any superintendent or assistant employed by said Commissioners, and for any superintendent or commissioner of public education in any of the counties or municipal corporations of the State of Maryland, and for any assistants employed by them or either of them, TO MAKE ANY DISTINCTION OR DISCRIMINATION in favor or against any teacher who may be employed in any of the public schools of this State, or of the City of Baltimore, or of the various counties or municipal corporations of this State on account of sex, it being the intent and purpose of this Act that the provisions thereof shall apply with reference to the appointment, assignment, compensation, promotion, transfer, dismissal and all other matters pertaining to the employment of teachers in the public schools of the State of Maryland, the City of Baltimore and the various counties and municipal corporations of the State of Maryland: and your petitioners say that there are many female teachers employed in The Frederick Douglass Senior-Junior High School and The Colored Training School of equal service merit doing work prescribed by the said Board of School Commissioners of Baltimore City, percisely as is prescribed and done by the male teachers in The Baltimore City College, and the Polytechnic Institute and on the other

hand there are many male teachers in The Frederick Douglass Senior-Junior High School and The Colored Training School of equal service merit doing work prescribed by the said Board of School Commissioners of Baltimore City, percisely the same as is prescribed and done by the female teachers in the Western and Eastern High Schools; and your petitioners further allege that in the Senior branch of The Frederick Douglass Senior-Junior High School there exists and for a long time has existed distinction and discrimination in the salaries of the male and female teachers doing precisely the same work, of equal service in point of years, experience and qualification; and unless the respondents by the Writ of Mandamus are commanded to include in the plan of equalizing the salaries of the teachers of The Frederick Douglass Senior-Junior High School and the Colored Training School on a parity with the teachers of The Baltimore City College, The Polytechnic Institute and the Eastern and Western High Schools, the law of this State as set forth in Chapter 233 of the year 1924 will be flagrantly violated and set at naught.

6. That your petitioners are advised that said action of the said Board of School Commissioners and the said Board of Estimates in excluding from the plan of equalization aforesaid, the said Frederick Douglass Senior-Junior High School and The Colored Training School is wholly unwarranted and unlawful, and that while it is in the discretion of the said Boards under the terms of said appropriation items to schedule how the amount of said appropriation shall be actually distributed and applied in individual instances upon the basis of length of service experience etc., for the purpose of securing the equalization of the salaries paid to teachers in said secondary schools in accordance with the said principle of equal pay for equal work and in accordance with said Chapter 233, 1924 Acts of the General Assembly of Maryland, they have no lawful right whatever wholly to exclude from the plan of equalization, the teachers of The Frederick Douglass Senior-Junior High School and The Colored Training School as they have done.

7. That your petitioners aver and charge that the discrimination in the matter of salaries paid by the said Board of School Commissioners, between the teachers engaged in The Frederick Douglass Senior-Junior High School and The Colored Training School and the teachers engaged in the other secondary

schools of Baltimore City is grossly inequitable and arbitrarily discriminatory and creates and maintain a condition among the teachers in the former which is not helpful to the work done at these schools, in that many of these teachers, are constantly on the lookout for better paying positions elsewhere and as soon as they are found, which frequently happens, they leave with the result that inexperienced teachers must be taken to fill their places.

8. That your petitioners are advised that the action of the said Board of School Commissioners in submitting to the Board of Estimates the new schedule of salaries of teachers in secondary schools, covering the list of schools, and teachers entitled to share in the appropriation aforesaid, leaving out therefrom the teachers of The Frederick Douglass Senior-Junior High School and The Colored Training School, who are entitled to be named therein, and the action of the said Board of Estimates in approving the schedule of salaries so submitted, is wholly unwarranted and unlawful, and is a violation of the first clause of the 14th Amendment of the Constitution of the United States in that it denies to the teachers engaged in The Frederick Douglass Senior-Junior High School and The Colored Training School and the children who attend, from time to time, said schools the equal protection of the laws.

WHEREFORE, your petitioners pray that a Writ of Mandamus may be issued, directed to the Mayor and City Council of Baltimore City and to the persons who constitute at present the said Board of Estimates; namely, Howard Bryant, Howard W. Jackson, R. Walter Graham, Philip B. Perlman and Bernard L. Crozier and also to the persons who constitute at present the said Board of School Commissioners: namely, Isaac S. Field, Addison E. Mullikin, John W. Edel, Theodore E. Strauss, Dr. Frank J. Goodnow, Warren S. Seipp, John W. Marshall, Mrs. John Wesley Brown and Mrs. Lewis H. Levin, all residents in the City of Baltimore in the State of Maryland, commanding them and each of them to include in the said plan of equalization approved by said Boards on the 11th day of July, 1925, the teachers of The Frederick Douglass Senior-Junior High School and The Colored Training School and to apply the said sum of fifty thousand dollars ($50,000.00) or such additional sum or sums of money as may be necessary to the equalization of the present salaries of said

secondary teachers in The Frederick Douglass Senior-Junior High School and The Colored Training School in conformity with the policy and principle of equal pay for equal work and in conformity with the law of the State of Maryland.

Howard E. Young

James E. Fisher

Isaiah L. Brown

Truly Hatchett

William H. Thomas,

N. Hobbie Hawkins

Warner T. McGuinn

Attorneys for Plaintiffs.

STATE OF MARYLAND, CITY OF BALTIMORE, to wit:

I hereby certify, that on this 21st day of June in the year 1926, before me, the subscriber, a Notary Public, of the State of Maryland, in and for the City of Baltimore aforesaid, personally appeared ~~Howard E. Young~~, ~~James E. Fisher and~~ Truly Hatchett, ~~three~~ one of the petitioners named in the aforegoing petition, and on ~~their~~ his own behalf and on behalf of the other Petitioners made oath in due form of law that the matters and facts stated in said petition are true to the best of their knowledge and belief.

As witness my hand and Notarial Seal hereto set the 21st day and year aforesaid.

Mary E. Hurrington
Notary Public.

Ordered, this day of in the year 1926, by the Superior Court of Baltimore City, on the aforegoing petition, that a rule be, and it is hereby, laid on the said Mayor and City Council of Baltimore City and on the persons who constitute, at present the said Board of Estimates; namely Howard Bryant, Howard W. Jackson, R. Walter Graham, Philip B. Perlman and Bernard L. Crozier and on the persons who constitute, at present, the said Board of School Commissioners; namely, Issac S. Field, Addison E. Mulliken, John W. Edel, Theodore E. Strauss, Dr. Frank J. Goodnow, Warren S. Seipp, John W. Marshall, Mrs. John Wesley Brown and Mrs. Lewis H. Levin, the defendants named in said petition, requiring then and each of them to show cause why the Writ of Mandamus should not issue as prayed, and that the day of 1926, ne and it is hereby fixed for a hearing of said petition; provided that a copy of this Order is served on the said defendants or their attorney or attorneys, on or before the day of in the year 1926.

Leave is hereby granted to file this Amended Petition this 18th day of June 1926.

Joseph N Ulman

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IN
THE SUPERIOR COURT
OF
BALTIMORE CITY

HOWARD E. YOUNG,
ET AL

VS.

MAYOR AND CITY
COUNCIL OF BALTIMORE
CITY, A MUNICIPAL
CORPORATION, ET AL.

REPLICATION.

Mr. Clerk:

Please file:

W. Ashbie Hawkins
Warner T. McGuinn

ATTORNEYS FOR PETITIONERS.

WARNER T. McGUINN
ATTORNEY AT LAW
215-217 ST. PAUL PLACE
BALTIMORE, MD.

FILED 28 Sep 1926

The Daily Record Co. Print, Balto., Md.

HOWARD E. YOUNG ET AL VS. MAYOR AND CITY COUNCIL OF BALTIMORE CITY, A MUNICIPAL CORPORATION, ET AL.	)	IN THE SUPERIOR COURT OF BALTIMORE CITY.

The petitioners for replication join issue on the matters alleged in the respondent's Answer and each paragraph thereof so far as the same may be taken to deny or avoid the allegations of their Petition.

W. Ashbie Hawkins

Garner W. Green

ATTORNEYS FOR PETITIONERS.

In
The Superior Court
of
Baltimore City

Howard E. Young
et al
vs
Mayor and City Council
of Baltimore
et al

Replication to Respondents' Amended Answer.

Mr. Clerk:

Please file.

N. Hobart Davis
Warner T. McGuinn
Attorneys for Petitioners

WARNER T. McGUINN
ATTORNEY AT LAW
215-217 ST. PAUL PLACE
BALTIMORE, MD.

FILED 21 June 1926

The Daily Record Co. Print, Balto., Md.

Howard E. Young et al	#	In
	#	
	#	The Superior Court of Baltimore City
vs	#	
	#	
Mayor and City Council of Baltimore et al	#	

Replication to Respondents Amended Answer.

And the petitioners join issue on the Respondents' Amended Answer to Petitioners' Amended Petition so far as the same may be taken to deny or avoid the averments of Petitioners' Amended Petition.

W. Hartie Hawkins

Warner T. O'Connor

Attorneys for Petitioners.

Young, et al
vs.
Mayor & C. C. et al.

Granted prayer

Defendants' 1st Prayer.

The Defendants pray the Court to instruct itself sitting as a jury that the petitioners have offered no evidence in this case legally sufficient to entitle them to recover, and that therefore its verdict must be for the defendants.

Granted

IN
THE SUPERIOR COURT
OF
BALTIMORE CITY.

HOWARD E. YOUNG
ET AL

VS.

THE MAYOR AND
CITY COUNCIL OF
BALTIMORE CITY,
A MUNICIPAL CORPORATION
ET AL .

MOTION
NE RECIPIATUR.

Mr. Clerk:

Please file.

N. Ashbie Hawkins

Warner T. McGuinn

ATTORNEYS FOR PLAINTIFFS.

WARNER T. McGUINN
ATTORNEY AT LAW
215-217 ST. PAUL PLACE
BALTIMORE, MD.

FILED 28 Apr 1926

The Daily Record Co. Print, Balto., Md.

HOWARD E. YOUNG ET AL	)	IN
	(	THE SUPERIOR COURT
VS.	)	OF
THE MAYOR AND CITY COUNCIL OF BALTIMORE CITY, A MUNICIPAL CORPORATION, ET AL.	( ) (	BALTIMORE CITY.

The plaintiffs in this cause by W.ASHBIE HAWKINS and WARNER T.MCGUINN, their attorneys, move the Court not to receive the General Demurrer, undertaken to be incorporated in the Answer filed by the defendants, one and all of them, to the petition for Mandamus in this cause:

First: For the reason that a general demurrer to a Petition for Mandamus does not admit the facts as alleged, in the Petition, and raises no issue upon which the Court can act.

Second: Because the laws of the State of Maryland in a proceeding for Mandamus specifically require that the Defendants shall file an Answer, fully setting forth all the defenses upon which they rely, which the respondents in this case have done.

Third: Beacuse a similar Demurrer filed by the same Defendants in this case, and to the same effect has already been heard and passed upon by the Court.

W. Ashbie Hawkins

Warner T. McGuinn

ATTORNEYS FOR PLAINTIFFS.

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IN THE SUPERIOR COURT OF
BALTIMORE CITY.

HOWARD E. YOUNG, ET AL.,

VS.

MAYOR AND CITY COUNCIL OF

BALTIMORE, ET AL.

PETITION AND ORDER OF COURT.

Mr. Clerk:-

Please file.

Philip B Perlman
City Solicitor, Attorney
for Defendants.

....

Filed 17 Sept. 1925

HOWARD E. YOUNG, ET AL.,	:	IN THE
VS.	:	SUPERIOR COURT
MAYOR AND CITY COUNCIL OF	:	OF
BALTIMORE, ET AL.		BALTIMORE CITY.
	:	

.. ..

TO THE HONORABLE, THE JUDGE OF SAID COURT:

The petition of the defendants in this cause respectfully shows:

1. That on September 8th, 1925, this Court, on the petition of the plaintiffs, directed the defendants, municipal officials of Baltimore City, to show cause on or before September 18th, 1925, why the writ of mandamus should not be issued as prayed in the petition of the plaintiffs.

2. The defendants have not had sufficient time to prepare the defense and are advised that the time should be extended.

WHEREFORE the defendants pray that an order may be signed extending the time within which to answer or take such further action to the petition for mandamus as may be proper.

AND the petitioners will ever pray, etc.

Tilly B. Berman

City Solicitor, Attorney for Defendants.

Upon the aforegoing petition, it is by the SUPERIOR COURT OF BALTIMORE this 17" day of September, 1925, ORDERED that the time for showing cause as to why the writ of mandamus should not be issued as prayed in the petition of the plaintiffs be and the same is hereby extended until September 28th, 1925.

Chas Grason

In The
Superior Court
of
Baltimore City.

Howard E. Young, et al,

Plaintiffs.

Vs.

Mayor and City Council
of Baltimore City, et al

APPEAL to the Court of
Appeals.

Mr. Clerk:
Please file.

W. Ashbey Hawkins
Warner T. McGuinn

Attorneys for Plaintiffs.

WARNER T. McGUINN
ATTORNEY AT LAW
215-217 ST. PAUL PLACE
BALTIMORE, MD.

FILED 19 Aug 1926.

The Daily Record Co. Print, Balto., Md.

ORDER OF APPEAL AND AFFIDAVIT

Howard E.Young, James E.Fisher, Isaih L.Brown, Truly Hatchett, William H.Thomas, Plaintiffs,	:	
Vs.	:	IN THE
Mayor and City Council of Baltimore City, a municipal corporation, Howard Bryant, Howard W.Jackson, R.Walter Graham, Philip B.Perlman and Bernard L.Crozier, constituting the Board of Estimates of the Mayor and City Council of Baltimore and Isaac S.Field, Addison E.Mulliken, John W.Edel, Theodore E.Straus, Dr.Frank J.Goodnow, Warren S.Seipp, John W.Marshall, Mrs.John Wesley Brown, Mrs. Lewis H.Levin, constituting the Board of School Commissioners of the Mayor and City Council of Baltimore, Defendants.	:	SUPERIOR COURT OF BALTIMORE CITY, MAY TERM, 1926.

Mr.CLERK:

Enter an Appeal to the Court of Appeals on behalf of the Plaintiffs, in the above entitled Case

Hershie Hawkins

Warner T. Guinn

ATTORNEYS FOR PLAINTIFFS.

STATE OF MARYLAND, BALTIMORE CITY, TO WIT:

On this 19th day of August, 1926, personally appeared before the Clerk of the Superior Court of Baltimore City Howard E.Young, one of the Plaintiffs in the above entitled case on his own behalf and on behalf of James E.Fisher, Isaih L.Brown, Truly Hatchett and William H.Thomas, his co-plaintiffs, and made oath in due form of law that the Appeal to the Court of Appeals in the above entitled case is not taken for the purpose of delay.

Stephen C. Little.

Clerk of the Superior Court of Baltimore City.

IN THE SUPERIOR COURT

OF

BALTIMORE CITY.

.....

HOWARD E. YOUNG,

et al,

vs.

MAYOR AND CITY COUNCIL OF

BALTIMORE CITY,

et al.

.....

- A N S W E R -

.....

Mr. Clerk:-

Please file.

Philip B Perlman

City Solicitor - Attorney for
Defendants.

Fd 29th Jan 1926

HOWARD E. YOUNG, et al,	:	IN THE
vs.	:	SUPERIOR COURT
MAYOR AND CITY COUNCIL OF BALTIMORE CITY, a municipal corporation, et al.	:	OF BALTIMORE CITY.

.....

TO THE HONORABLE, THE JUDGE OF SAID COURT:-

The defendants, Mayor and City Council of Baltimore City, a municipal corporation, Howard Bryant, Howard W. Jackson, R. Walter Graham, Philip B. Perlman and Bernard L. Crozier, constituting the Board of Estimates of the Mayor and City Council of Baltimore and Isaac S. Field, Addison E. Mulliken, John W. Edel, Theodore E. Straus, Dr. Frank J. Goodnow, Warren S. Seipp, John W. Marshall, Mrs. John Wesley Brown, Mrs. Lewis H. Levin, constituting the Board of School Commissioners of the Mayor and City Council of Baltimore, by Philip B. Perlman, City Solicitor, its and their Attorney, demur to the petition for mandamus filed against them, and for cause of demurrer say:

1. That said petition is bad in substance.

2. That said petition is insufficient in law.

AND the said defendants without waiving their demurrer, for answer to said petition show:

1. They neither admit nor deny the allegations of the preamble of the petition, but insist upon full proof of all facts as will entitle the plaintiffs to maintain their suit.

2. Answering the first paragraph of said petition, these defendants admit the passage of the annual Ordinance of Estimates for the year 1925 and admit the extract therefrom as quoted in the petition, but do not waive the proof thereof in the manner prescribed by law. Further answering said paragraph, these defendants say that the ordinance

or extract therefrom as quoted in said paragraph making said appropriation referred to, was not passed upon any principle of equal pay for equal work without discrimination as to sex or color; these defendants deny that any such policy exists in the law of Maryland today; on the contrary, they aver that said appropriation was used to equalize certain salaries among white male and white female teachers in the Senior High Schools of Baltimore City, which had not theretofore been equalized, and in so doing these defendants acted within the discretion imposed in them by law, which discretion is not reviewable by this Honorable Court.

3. Answering the second paragraph of said petition, these defendants say that The Baltimore City College, The Baltimore Polytechnic Institute, The Eastern Female High School, The Western Female High School and The Forest Park Senior-Junior High School are Senior High Schools and are devoted exclusively to white pupils taught by white male and white female teachers, and have always been so devoted and taught; that The Frederick Douglass Senior-Junior High School is a Senior High School devoted exclusively to the colored race and taught by colored teachers; these defendants deny that The Colored Training School mentioned in said paragraph is a Senior High School within that definition or classification, but on the contrary is a school standing by itself and devoted exclusively to preparing male and female colored persons to teach in the colored schools of Baltimore City.

4. Answering the third paragraph of said petition, these defendants say that the sum of Fifty Thousand Dollars ($50,000.00) appropriated in the annual Ordinance of Estimates for 1925 was used by them for the purpose of carrying out the policy of equalization of salaries established by the Board of School Commissioners of Baltimore City between the white male and white female teachers in The Baltimore City College, the Eastern Female High School, The Western Female High School and The Forest Park Senior-Junior High School, in which schools and among the teachers therein there had not formerly existed and been established a policy of equalization of salaries; that in so establishing the equalization in those schools, The Frederick Douglass Senior-Junior High School (devoted exclusively to the colored race and taught by the colored race) was

omitted for the reason that no discrimination exists in the pay of colored male and colored female teachers in that school.

Further answering said paragraph and referring particularly to The Colored Training School, these defendants submit that it has already been shown that that institution stands in a class by itself and cannot be compared with any other institution existing in Baltimore City, and they also say that as to that institution, the colored male and colored female teachers are treated alike in so far as compensation is concerned in comparison to work and service.

5. Answering the fourth paragraph of said petition, these defendants admit that the colored male and colored female teachers of The Frederick Douglass Senior-Junior High School and The Colored Training School were omitted in the distribution of said Fifty Thousand Dollars ($50,000.00), but only because, as has been heretofore shown, no discrimination exists in the compensation of colored teachers on account of sex.

6. Answering the fifth paragraph of said petition, these defendants say that the Act of the General Assembly therein referred to speaks for itself, is something of which this Court must take judicial knowledge, and its construction and interpretation is solely a matter of law; consequently, these defendants do not admit the construction placed on that statute by the petitioners.

Answering further said paragraph, these defendants say that the term "equal service merit" used in said paragraph is meaningless and indefinite, and in the school system of Baltimore City there is no such classification applied to the teaching force, and consequently these defendants do not admit that there are some colored female teachers in The Frederick Douglass Senior-Junior High School of "equal service merit" doing work prescribed by the Board of School Commissioners the same as male white teachers in the Baltimore City College and the Baltimore Polytechnic Institute, and do not admit that there are some colored male teachers in The Frederick Douglass Senior-Junior High School of "equal service merit" doing the same work prescribed by the Board of School Commissioners as is done by white female teachers in the Western High School and the Eastern High School; these defendants further say that if the petitioners in the use of the term "equal service merit" mean thereby that some female colored teachers in The Frederick Douglass Senior-Junior High School have equal years of service as male white teachers in the Baltimore City College and the Baltimore Polytechnic Institute, and if the petitioners further mean in the use of that term ("equal service merit") that there are some colored male teachers in The Frederick Douglass Senior-Junior High School have equal years of service as white female teachers in the Western High School and the Eastern High School, then these defendants do admit that there are some such of equal years of service, but these defendants deny that because thereof (equal years of service) similar salaries must be paid one with the other.

Further answering this paragraph, these defendants say that so far as colored male and colored female teachers in the Junior High Schools

are concerned, those of the Junior Branch are paid the same salaries as white male and white female teachers in the Junior Branch of the Forest Park Senior-Junior High School, and they further say that only those male and female colored teachers in the Senior Branch of The Frederick Douglass Senior-Junior High School receive different salaries than those of the white male and white female teachers in the Senior Branch of the Forest Park Senior-Junior High School.

7. Answering the sixth and seventh paragraphs of said petition, these defendants deny that their action in the premises is unwarranted or unlawful, deny that the salaries are grossly inequitable and arbitrarily discriminatory and deny that the situation as existing has created a condition not helpful to the work of the colored teachers and deny that colored teachers are leaving the service because of any difference in salaries.

8. Answering the eighth paragraph of said petition, these defendants deny that any action taken by them is unwarranted or unlawful or is in violation of any provision of the Federal or State Constitution or of any law of this State.

9. Answering the whole of said petition, and each paragraph thereof, these defendants say that under the laws of this State, the matter of fixing salaries is entirely a matter for these defendants; that in fixing salaries, there is no law of this State which requires that salaries for colored teachers shall be the same as white teachers, and that the Act of 1924, Chapter 233, on which the petitioners rely for support in this suit, does not intend and never was intended, to require similar salaries, and was never intended as interfering with the firmly established law in this State which long recognized the difference in salaries between white and colored teachers; these defendants say that the true intent and meaning of that statute was to prohibit discrimination on account of sex, and these defendants say that no discrimination exists in the public schools of Baltimore City today between white male and white female teachers so far as sex is concerned and no discrimination exists

between colored male and colored female teachers so far as sex is concerned; that white male and white female teachers doing the same work, with the same teaching ability, with the same service are paid alike, and on the other hand, colored male and colored female teachers doing the same work, with the same teaching ability, with the same service are paid alike, and with that situation the statutes of this State are fully gratified.

Answering further said petition, these defendants say that the Act of 1924 must be construed in pari materia with the other statutes of this State on the same subject and not in entire substitution for the latter; that for many years the statute law of this State enacted by the General Assembly of Maryland has recognized a difference in salaries between teachers of white schools and teachers of colored schools (Sections 89-90-202-203, Article 77, Annotated Code of Maryland) and that by those Sections a minimum salary is specified for white schools of Six Hundred Dollars ($600.00) per annum, while for those teaching in the colored schools a minimum salary of Four Hundred and Eighty Dollars ($480.00) per annum is established; that it was never the intention of the General Assembly of Maryland in the enactment of the Statute of 1924 to set aside these principles established in these statutes for to do so would cause a result which would amount to equal pay for unequal work and would burden the cost of public education beyond all imagination and beyond the requisites of public necessity; that at most, the construction to be given to the Act in question is that no discrimination should exist as to sex.

HAVING FULLY ANSWERED said petition praying for a Writ of Mandamus against these defendants, these defendants pray that said petition may be dismissed and that they may be hence dismissed with their costs.

AND your respondents will ever pray, etc.

Philip B. Perlman
City Solicitor - Attorney for
Defendants.

IN THE SUPERIOR COURT
OF
BALTIMORE CITY.

. . . . . .

HOWARD E. YOUNG,

et al,

-vs-

MAYOR AND CITY COUNCIL

OF BALTIMORE CITY, a

municipal corporation,

et al.

. . . . . .

-AMENDED ANSWER-

. . . . . .

Mr. Clerk:-

Please file.

Charles C. Wallace

City Solicitor - Attorney for
Defendants.

Fd. 19 June 1926

HOWARD E. YOUNG, et al,	:	IN THE
-VS-	:	SUPERIOR COURT
	:	OF
MAYOR AND CITY COUNCIL OF BALTIMORE CITY, a municipal corporation, et al.	:	BALTIMORE CITY.

.....:.....

TO THE HONORABLE, THE JUDGE OF SAID COURT:-

The defendants, Mayor and City Council of Baltimore City, a municipal corporation, Howard Bryant, Howard W. Jackson, R. Walter Graham, Philip B. Perlman and Bernard L. Crozier, constituting the Board of Estimates of the Mayor and City Council of Baltimore and Isaac S. Field, Addison E. Mulliken, John W. Edel, Theodore E. Straus, Dr. Frank J. Goodnow, Warren S. Seipp, John W. Marshall, Mrs. John Wesley Brown, Mrs. Lewis H. Levin, constituting the Board of School Commissioners of the Mayor and City Council of Baltimore, by Charles C. Wallace, City Solicitor, its and their Attorney, demur to the petition for mandamus filed against them, and for cause of demurrer say:

1. That said petition is bad in substance.

2. That said petition is insufficient in law.

AND the said defendants without waiving their demurrer, for answer to said petition show:

1. They neither admit nor deny the allegations of the preamble of the petition, but insist upon full proof of all facts as will entitle the plaintiffs to maintain their suit.

2. Answering the first paragraph of said petition, these defendants admit the passage of the annual Ordinance of Estimates for the year 1925 and admit the extract therefrom as quoted in the petition,

but do not waive the proof thereof in the manner prescribed by law. Further answering said paragraph, these defendants say that the ordinance or extract therefrom as quoted in said paragraph making said appropriation referred to, was not passed upon any principle of equal pay for equal work without discrimination as to sex or color; these defendants deny that any such policy exists in the law of Maryland today; on the contrary, they aver that said appropriation was used to equalize certain salaries among white male and white female teachers in the Senior High Schools of Baltimore City, which had not theretofore been equalized, and in so doing these defendants acted within the discretion imposed in them by law, which discretion is not reviewable by this Honorable Court.

3. Answering the second paragraph of said petition, these defendants say that The Baltimore City College, The Baltimore Polytechnic Institute, The Eastern Female High School, The Western Female High School and The Forest Park Senior-Junior High School are Senior High Schools and are devoted exclusively to white pupils taught by white male and white female teachers, and have always been so devoted and taught; that The Frederick Douglass Senior-Junior High School is a Senior High School devoted exclusively to the colored race and taught by colored teachers; these defendants deny that The Colored Training School mentioned in said paragraph is a Senior High School within that definition or classification, but on the contrary is a school standing by itself and devoted exclusively to preparing male and female colored persons to teach in the colored schools of Baltimore City.

4. Answering the third paragraph of said petition, these defendants say that the sum of Fifty Thousand Dollars ($50,000.00) appropriated in the annual Ordinance of Estimates for 1925 was used by them for the purpose of carrying out the policy of equalization of salaries established by the Board of School Commissioners of Baltimore City between the white male and white female teachers in The Baltimore City College, the Eastern Female High School, The Western Female High School

and The Forest Park Senior-Junior High School, in which schools and among the teachers therein there had not formerly existed and been established a policy of equalization of salaries; that in so establishing the equalization in those schools, The Frederick Douglass Senior-Junior High School (devoted exclusively to the colored race and taught by the colored race) was omitted for the reason that no discrimination exists in the pay of colored male and colored female teachers in that school.

Further answering said paragraph and referring particularly to The Colored Training School, these defendants submit that it has already been shown that that institution stands in a class by itself and cannot be compared with any other institution existing in Baltimore City, and they also say that as to that institution, the colored male and colored female teachers are treated alike in so far as compensation is concerned in comparison to work and service.

5. Answering the fourth paragraph of said petition, these defendants admit that the colored male and colored female teachers of The Frederick Douglass Senior-Junior High School and The Colored Training School were omitted in the distribution of said Fifty Thousand Dollars ($50,000.00), but only because, as has been heretofore shown, no discrimination exists in the compensation of colored teachers on account of sex.

6. Answering the fifth paragraph of said petition, these defendants say that the Act of the General Assembly therein referred to speaks for itself, is something of which this Court must take judicial knowledge, and its construction and interpretation is solely a matter of law; consequently, these defendants do not admit the construction placed on that statute by the petitioners.

Answering further said paragraph, these defendants say that the term "equal service merit" used in said paragraph is meaningless and indefinite, and in the school system of Baltimore City there is no such

classification applied to the teaching force, and consequently these defendants do not admit that there are some colored female teachers in The Frederick Douglass Senior-Junior High School of "equal service merit" doing work prescribed by the Board of School Commissioners the same as male white teachers in the Baltimore City College and the Baltimore Polytechnic Institute, and do not admit that there are some colored male teachers in The Frederick Douglass Senior-Junior High School of "equal service merit" doing the same work prescribed by the Board of School Commissioners as is done by white female teachers in the Western High School and the Eastern High School; these defendants further say that if the petitioners in the use of the term "equal service merit" mean thereby that some female colored teachers in The Frederick Douglass Senior-Junior High School have equal years of service as male white teachers in the Baltimore City College and the Baltimore Polytechnic Institute, and if the petitioners further mean in the use of that term ("equal service merit") that there are some colored male teachers in The Frederick Douglass Senior-Junior High School have equal years of service as white female teachers in the Western High School and the Eastern High School, then these defendants do admit that there are some such of equal years of service, but these defendants deny that because thereof (equal years of service) similar salaries must be paid one with the other.

Further answering this paragraph, these defendants say that so far as colored male and colored female teachers in the Junior High Schools are concerned, those of the Junior Branch are paid the same salaries as white male and white female teachers in the Junior Branch of the Forest Park Senior-Junior High School, and they further say that only those male and female colored teachers in the Senior Branch of The Frederick Douglass Senior-Junior High School receive different salaries than those of the white male and white female teachers in the Senior

Branch of the Forest Park Senior-Junior High School.

Further answering said fifth paragraph, these defendants deny that there exists, and for a long time has existed, distinction and discrimination in the salaries of the male and female teachers, in the Senior Branch of The Frederick Douglass Senior-Junior High School, doing precisely the same work, of equal service in point of years, experience and qualification, on account of sex.

7. Answering the sixth and seventh paragraphs of said petition, these defendants deny that their action in the premises is unwarranted or unlawful, deny that the salaries are grossly inequitable and arbitrarily discriminatory and deny that the situation as existing has created a condition not helpful to the work of the colored teachers and deny that colored teachers are leaving the service because of any difference in salaries.

8. Answering the eighth paragraph of said petition, these defendants deny that any action taken by them is unwarranted or unlawful or is in violation of any provision of the Federal or State Constitution or of any law of this State.

9. Answering the whole of said petition, and each paragraph thereof, these defendants say that under the laws of this State, the matter of fixing salaries is entirely a matter for these defendants; that in fixing salaries, there is no law of this State which requires that salaries for colored teachers shall be the same as white teachers, and that the Act of 1924, Chapter 233, on which the petitioners rely for support in this suit, does not intend and never was intended, to require similar salaries, and was never intended as interfering with the firmly established law in this State which long recognized the difference in salaries between white and colored teachers; these defendants say that the true intent and meaning of that statute was to prohibit discrimination on account of sex, and these defendants say that no discrimination exists in the public schools of Baltimore City today between white male and white female teachers so far as sex is concerned and no discrimination exists

between colored male and colored female teachers so far as sex is concerned; that white male and white female teachers doing the same work, with the same teaching ability, with the same service are paid alike, and on the other hand, colored male and colored female teachers doing the same work, with the same teaching ability, with the same service, are paid alike, and with that situation the statutes of this State are fully gratified.

Answering further said petition, these defendants say that the Act of 1924 must be construed in pari materia with the other statutes of this State on the same subject and not in entire substitution for the latter; that for many years the statute law of this State enacted by the General Assembly of Maryland has recognized a difference in salaries between teachers of white schools and teachers of colored schools (Sections 89-90-202-203, Article 77, Annotated Code of Maryland) and that by those Sections a minimum salary is specified for white schools of Six Hundred Dollars ($600.00) per annum, while for those teaching in the colored schools a minimum salary of Four Hundred and Eighty Dollars ($480.00) per annum is established; that it was never the intention of the General Assembly of Maryland in the enactment of the Statute of 1924 to set aside these principles established in these statutes for to do so would cause a result which would amount to equal pay for unequal work and would burden the cost of public education beyond all imagination and beyond the requisites of public necessity; that at most, the construction to be given to the Act in question is that no discrimination should exist as to sex.

HAVING FULLY ANSWERED said petition praying for a Writ of Mandamus against these defendants, these defendants pray that said petition may be dismissed and that they may be hence dismissed with their costs.

AND your respondents will ever pray, etc.

City Solicitor - Attorney for Defendants.

STATE OF MARYLAND,
To Wit-
CITY OF BALTIMORE,

I HEREBY CERTIFY, That on this 19th day of June, 1926, before me, the subscriber, a Notary Public of the State of Maryland, in and for the City of Baltimore aforesaid, personally appeared HOWARD W. JACKSON, Mayor of Baltimore City, one of the defendants herein, and on behalf of himself and his co-defendants made oath in due form of law that the matters and facts stated in the aforegoing Amended Answer are true to the best of his knowledge, information and belief.

AS WITNESS my hand and Notarial Seal.

Mary E. Harrington
Notary Public.

Leave to file this Amended Answer is hereby granted.

Joseph N Ulman

In
The Superior Court
of
Baltimore City

Howard E. Young
et al
vs
Mayor and City Council
of Baltimore
et al

Petition for authority to issue summons duces tecum and order thereon

Mr. Clerk:
Please file and issue.

W. Ashbie Hawkins
Warner T. McGuinn
Attys for Petitioners.

WARNER T. McGUINN
ATTORNEY AT LAW
215-217 ST. PAUL PLACE
BALTIMORE, MD.

FILED 16 June 1926

The Daily Record Co. Print, Balto., Md.

HOWARD E. YOUNG, et al	*	IN
VS.	*	THE SUPERIOR COURT
	*	OF
MAYOR AND CITY COUNCIL, et al	*	BALTIMORE CITY.
	*	

****

TO THE HONORABLE, THE JUDGE OF SAID COURT:

The Petitioners in the above entitled case represent unto your Honor:

That certain records in the custody of the Board of School Commissioners of Baltimore City and certain records in the custody of the Board of Estimates of the Mayor and City Council of Baltimore are necessary in the proof and trial of Petitioners case and your Petitioners pray that they may be permitted to summon duces tecum the said Board of School Commissioners and Board of Estimates to produce said records.

Warner T. McGuinn

N. Ashbie Hawkins

Attys For Petitioners.

Upon the aforegoing petition it is ordered by the Superior Court this 17 day of June 1926, that leave be and is hereby granted to Petitioners to issue summons duces tecum to the Board of School Commissioners and also the Board of Estimates of the Mayor and City Council of Baltimore to produce at the trial of the above entitled case such records now in the custody of said Boards as may be necessary and material in the proof of Petitioners case.

Joseph N. Ulman

JUDGE.

IN THE SUPERIOR COURT OF
BALTIMORE CITY

HOWARD E. YOUNG, et al

-vs-

MAYOR AND CITY COUNCIL OF
BALTIMORE, et al.

AGREEMENT FOR TRIAL OF CASE
BY COURT
Waiver of Jury Trial.

Hershey, Donaldson & Williams
Baltimore, Md.

Fd 21 June 1926

HOWARD E. YOUNG, et al	*	IN THE
	*	SUPERIOR COURT OF
-vs-	*	BALTIMORE CITY
MAYOR AND CITY COUNCIL	*	
OF BALTIMORE, et al.	*	

It is agreed by the Petitioners and the Defendants that this case may be tried by the Court, without the intervention of a jury, and that both Petitioners and Defendants shall have the right of appeal to the Court of Appeals of Maryland.

Robert Hawkins

Warner T. Gunn

Attorneys for Petitioners

Thos. L. Walker City Solicitor

Roger B. Williams asst City Solicitor

Attorney for Defendants.

IN THE SUPERIOR COURT

OF

BALTIMORE CITY.

.....

HOWARD E. YOUNG, et al,

vs.

MAYOR AND CITY COUNCIL OF BALTIMORE CITY, a municipal corporation, et al.

.....

- P E T I T I O N -

.....

Mr. Clerk:-

Please file.

Philip B Perlman

City Solicitor - Attorney
for Defendants.

Fd. 25 Sept 1925.

HOWARD E. YOUNG, et al,	:	IN THE SUPERIOR COURT
	:	
vs.	:	OF
MAYOR AND CITY COUNCIL OF BALTIMORE CITY, a municipal corporation, et al,	:	BALTIMORE CITY.
	:	

.....

TO THE HONORABLE, THE JUDGE OF SAID COURT:-

The petition of the defendants in this case respectfully shows:

1. That on September 8th, 1925, this Court, on the petition of the plaintiffs, directed the defendants, municipal officials of Baltimore City, to show cause on or before September 18th, 1925, why the writ of mandamus should not be issued as prayed in the petition of the plaintiffs.

2. That on the 17th of September, 1925, this Court extended the time until September 28th, 1925 for the defendants to show cause why the writ should not be issued.

3. That before the defendants can properly decide what action to take to said petition, it is necessary to secure data from the Board of School Commissioners relating to the distribution of salaries, and that data has not yet been completed; consequently, the defendants are not now in a position to answer said petition or to take such other action thereto as may be demanded.

WHEREFORE, the defendants pray that an Order may be signed extending the time within which to answer or take such further action to the petition for mandamus as may be proper.

AND your petitioners will ever pray, etc.

Philip B. Perlman
City Solicitor - Attorney for Defendants.

Upon the aforegoing petition, it is by the SUPERIOR COURT OF BALTIMORE CITY, this 25 day of September, 1925,

ORDERED that the time for showing cause why the writ of mandamus should not be issued as prayed in the petition of the plaintiffs, be and the same is hereby extended until 15 days from September 28th, 1925.

James P. Gorter

Ordered by the Court

FILED DEC 20 1926

885
1925

Ordered by the Superior Court of Baltimore City this 20th day of December 1926 that the time for filing exceptions in this cause be and the same is hereby extended for ten days from this day.

Joseph N Ulman

In the Superior Court of Baltimore City

Yoney et al

vs

Mayor & City Council of Balto. City

Petition & Order extending time for filing Bill of Exceptions

Mr. Clerk:

Please file

W. Hobbie Hawkins

Walter T. McGuigan

HAWKINS & McMECHEN
ATTORNEYS AT LAW
BANNEKER BUILDING
14 E. PLEASANT STREET
BALTIMORE, MD.

FILED 14 Oct 1926

THE DAILY RECORD COMPANY
Baltimore, Md.

Fd 15th November 1926

Young et al v Mayor & City Council of Baltimore, et al	In the Superior Court of Baltimore City

To the Honorable the Judge of said Court:

Your Petitioners, the plaintiffs in this cause respectfully show:

That due to some delay, consequent upon the Summer Recess they were late in securing the stenographic notes of the testimony taken in this cause, and for that reason have not fully completed their Bill of Exceptions.

Wherefore, they pray a reasonable extension of the time in which to file the same.

And as in duty bound, etc.

W. Arbie Hawkins

Warner T. McGuire

Attorneys for Plaintiff

Upon the foregoing Petition it is Ordered by the Superior Court of Baltimore City this 19 day of October 1926 that the time for filing Bill of Exceptions in this cause be and the same is hereby extended till the 19 day of November 1926.

Joseph N. Ulman

Ordered by the Superior Court of Baltimore City this 16 day of November 1926 that the time for filing exceptions in this cause be and the same is hereby extended for twenty days from the 19th day of November 1926.

Joseph N. Ulman

Fd 15 Nov 1926

885

IN

THE SUPERIOR COURT of
BALTIMORE CITY.

HOWARD E.YOUNG, et al,
Plaintiffs,

VS.

MAYOR and CITY COUNCIL

of BALTIMORE CITY, et al,
Defendants.

ORDER to file - ANSWER.

Mr. Clerk:

Please file.

ATTYS. for PLAINTIFFS.

WARNER T. McGUINN
ATTORNEY AT LAW
215-217 ST. PAUL PLACE
BALTIMORE, MD.

FILED

FILED DEC 31 192

The Daily Record Co. Print, Balto., Md.

HOWARD E. YOUNG, et al,	*	
Plaintiffs,	*	
	*	IN
VS.	*	
	*	THE SUPERIOR COURT
MAYOR and CITY COUNCIL	*	of
of BALTIMORE CITY, et al,	*	BALTIMORE CITY.
Defendants.	*	
	*	

It is this 31st day of December, 1925, by the Superior Court of Baltimore City, Ordered that the respondents make such further answer to the petition for the writ of mandamus, filed in this case, as they may desire, within thirty (30) days from the date of this order.

Eli Frank

JUDGE.

885/25

IN THE

SUPERIOR COURT
OF
BALTIMORE CITY.

HOWARD E. YOUNG, et al

vs.

MAYOR & CITY COUNCIL
OF BALTIMORE CITY,
et al.

MOTION NECIPREATUR.

Mr. Clerk:
Please file.

W. Hall Hawkins
Warner T. C. Guum
Attorneys for Plaintiff.

Service of copy admitted this
21st day of November, 1925.
Philip B Perlman
C C Wallace
Attorneys for Defendant.

HAWKINS & McMECHEN
ATTORNEYS AT LAW
BANNEKER BUILDING
14 E. PLEASANT STREET
BALTIMORE, MD.

FILED 27 Nov 1925

THE DAILY RECORD COMPANY
Baltimore, Md.

HOWARD E. YOUNG	)	IN THE
	)	
vs.	)	SUPERIOR COURT
	)	OF
THE MAYOR and CITY COUNCIL	)	
of BALTIMORE CITY, a municipal	)	BALTIMORE CITY.
corporation et al	)	

The plaintiffs in this cause by W. ASHBIE HAWKINS and WARNER T. McGUINN, their attorneys, move the Court not to receive the General Demurrer filed by the defendants, one and all of them, to the Petition for Mandamus in this cause:

First: For the reason that a general demurrer to a Petition for Mandamus does not establish the facts as alleged, and raises no issue upon which the Court can act.

Second: Because the laws of the State of Maryland in a proceeding for Mandamus specifically require that the Defendants shall file an Answer, fully setting forth all the defenses upon which he relies.

Third: Because of other reasons to be shown at the hearing hereof.

W. Ashbie Hawkins

Warner T. McGuinn

Attorneys for Plaintiffs.

IN THE SUPERIOR COURT
OF BALTIMORE CITY.

.....

HOWARD E. YOUNG, JAMES E. FISHER,
ISIAH L. BROWN, TRULY HATCHETT,
WILLIAM H. THOMAS,

Plaintiffs.

vs.

MAYOR AND CITY COUNCIL OF BALTIMORE
CITY, a municipal corporation,
HOWARD BRYANT, HOWARD W. JACKSON,
R. WALTER GRAHAM, PHILIP B. PERLMAN
and BERNARD L. CROZIER, constituting
the Board of Estimates of the Mayor
and City Council of Baltimore and
ISAAC S. FIELD, ADDISON E. MULLIKIN,
JOHN W. EDEL, THEODORE E. STRAUS,
DR. FRANK J. GOODNOW, WARREN S.
SEIPP, JOHN W. MARSHALL, MRS. JOHN
WESLEY BROWN, MRS. LEWIS H. LEVIN,
constituting the Board of School
Commissioners of the Mayor and
City Council of Baltimore,

Defendants.

.....

- D E M U R R E R -

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Mr. Clerk:-

Please file.

Philip B. Perlman

City Solicitor - Attorney for
Defendants.

Fd 13 Oct 1925

HOWARD E. YOUNG, JAMES E. FISHER, ISIAH L. BROWN, TRULY HATCHETT, WILLIAM H. THOMAS, Plaintiffs,	:	IN THE
vs.	:	SUPERIOR COURT
MAYOR AND CITY COUNCIL OF BALTIMORE CITY, a municipal corporation, HOWARD BRYANT, HOWARD W. JACKSON, R. WALTER GRAHAM, PHILIP B. PERLMAN and BERNARD L. CROZIER, constituting the Board of Estimates of the Mayor and City Council of Baltimore and ISAAC S. FIELD, ADDISON E. MULLIKEN, JOHN W. EDEL, THEODORE E. STRAUS, DR. FRANK J. GOODNOW, WARREN S. SEIPP, JOHN W. MARSHALL, MRS. JOHN WESLEY BROWN, MRS. LEWIS H. LEVIN, constituting the Board of School Commissioners of the Mayor and City Council of Baltimore, Defendants.	:	OF BALTIMORE CITY.

.....

The defendants, Mayor and City Council of Baltimore City, a municipal corporation, Howard Bryant, Howard W. Jackson, R. Walter Graham, Philip B. Perlman and Bernard L. Crozier, constituting the Board of Estimates of the Mayor and City Council of Baltimore and Isaac S. Field, Addison E. Mulliken, John W. Edel, Theodore E. Straus, Dr. Frank J. Goodnow, Warren S. Seipp, John W. Marshall, Mrs. John Wesley Brown, Mrs. Lewis H. Levin, constituting the Board of School Commissioners of the Mayor and City Council of Baltimore, by Philip B. Perlman, City Solicitor of Baltimore City, its and their Attorney, demur to the Petition for Writ of Mandamus filed against them in this cause, and for cause of demurrer say:

1. That said petition is bad in substance.

2. That said petition is insufficient in law.

Philip B. Perlman
City Solicitor - Attorney for
Defendants.