25 A 4 1926

In the Circuit Court
No.2 of Baltimore City

MARY E. DOWD, et al

Plaintiffs,

-vs-

FREDERICK I. SCOTT, et al

Defendants.

BILL OF COMPLAINT

Mr.Clerk:-

Please file.

John A. Hessey

Sol r. for Complainants

No 15191 A

(1)

MUSGRAVE, BOWLING & HESSEY
SUITE 1520 FIDELITY BUILDING
BALTIMORE

Fs 7-January 1926

| | | |
|---|---|---|
| MARY E. DOWD; AGNES R. DOWD; KATHARINE DOWD, and LORETTA DOWD, and the LAFAYETTE SQUARE PROTECTIVE ASSOCIATION, a corporation, | : | IN THE CIRCUIT COURT NO.2 |
| PLAINTIFFS | : | O F |
| vs. | | |
| FREDERICK I. SCOTT and HENRY JOHNSON and ELLEN J. SHECKELLS, | : | BALTIMORE CITY. |
| DEFENDANTS. | : | |

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

TO THE HONORABLE, THE JUDGE OF SAID COURT:

The bill of complaint of Mary E. Dowd, Agnes R. Dowd, Katharine Dowd, and Loretta Dowd, and the Lafayette Square Protective Association, a corporation, complaining, shows unto your Honor:

FIRST:

That Mary E. Dowd, Agnes R. Dowd, Katharine Dowd, and Loretta Dowd, white persons, are the owners of and reside in the dwelling house known as No.1109 W.Franklin Street, Baltimore City, State of Maryland, and have executed a certain agreement hereinafter referred to in respect to said property; and the Lafayette Square Protective Association is a non-stock corporation, incorporated under the laws of the State of Maryland, and is composed solely of signers of a certain agreement in respect of property situate in the eleven hundred block West Franklin Street, and in the vicinity of Lafayette Square, Baltimore, Maryland.

SECOND:

That the plaintiffs, together with a large number of owners of the property in the eleven hundred block West Franklin Street, including a certain Richard N. Sheckells and Ellen J. Sheckells, owners of properties Nos. 1107 and 1129 West Franklin Street, executed an agreement whereby it provided that none of their properties should at any time be occupied or used by any negro or negroes, or person or persons, either in whole or in part of negro or African descent, except only that negroes or persons of African descent in whole or in part might be employed as servants by any of the owners or occupants of said property,and as and while so employed might reside on the premises occupied by their respective employers.

THIRD:

That the said agreement provided that it should not be binding or of any effect unless or until it shall have been executed in respect to properties (exclusive of property No.501 N.Carrollton Avenue,which binds on the north side of Franklin Street) fronting or otherwise binding on seventy-five percentum of the front feet on both sides of the following street, to wit, the Eleven hundred block West Franklin Street, and the plaintiffs aver that said agreement was executed in respect to properties (exclusive of property No.501 N.Carrollton Avenue, which binds on the north side of Franklin Street) fronting or otherwise binding on more than seventy-five percentum of the front feet on both sides of the following street, to wit, the Eleven hundred block of West Franklin Street as described in said agreement, and which said agreement includes the premises known as

No. 1107 West Franklin Street, which was then owned by Richard N. Sheckells and Ellen J. Sheckells, and the said Ellen J. Sheckells ( Richard N. Sheckells having, since the execution of said agreement departed this life) did demise and lease the premises No.1107 West Franklin Street unto a certain Helene B. Baker, reserving unto herself the annual rent of $ 65.00 out of said property; and the said Helene B. Baker- - - - - - did transfer the leasehold interest in said property unto Frederick I. Scott by deed dated the 23rd day of December 1925 , and recorded among the Land Records of Baltimore City in Liber S.C.L. No. 4508 Folio 446; and the said agreement provided that no sale,lease, disposition or transfer of any of the properties in said agreement should be made to operate otherwise than subject to the restriction as to use and occupancy hereinbefore mentioned,and therefore is a covenant running with the land and is therefore binding upon the said defendants in this case, and the plaintiffs herewith file a certified copy of said agreement marked Plaintiffs Exhibit "A" and prayed to be taken as a part hereof.

FOURTH:

That the defendant Henry Johnson,colored person, in whole or in part, of African descent, has occupied, and continues to occupy, together with his family, also colored persons in whole or in part, of African descent, the above mentioned premises No.1107 West Franklin Street as aforesaid, included in and subject to the aforesaid agreement, and the said Frederick I. Scott has rented said premises No. 1107 West Franklin Street to the said Henry Johnson to be moved into and occupied by him as tenant and not as servant,and the said Frederick I. Scott being the owner of the leasehold interest in said

property No. 1107 West Franklin Street, and the said Ellen J. Sheckells being the owner of the reversionary interest in said property No.1107 West Franklin Street, the plaintiffs allege that unless prevented by the interposition of this Honorable Court the colored defendant will continue the occupation and use of said property No.1107 West Franklin Street.

FIFTH:

That if the said property No.1107 West Franklin Street should be so occupied by negroes or persons of African descent it would cause irreparable loss and injury to the plaintiffs which will not be susceptible of adequate compensation in the ordinary course of law, and will be irreparable unless said occupancy is prevented and concluded by injunction.

SIXTH:

That the defendants Frederick I. Scott and Ellen J. Sheckells have directly and knowingly violated the aforesaid agreement to the detriment of the plaintiffs, being also parties to the said agreement.

TO THE END, THEREFORE:

1st: That the said Henry Johnson and his family may, by injunction, be restrained from using or occupying the premises No.1107 West Franklin Street.

2nd: That the said Frederick I. Scott and Ellen J. Sheckells, their heirs, personal representatives and assigns, servants, agents and employees may by injunction be restrained from authorizing or permitting the said Henry Johnson, or any of his family, or any negro or negroes, or person or persons of African descent, contrary to the

portions of the agreement hereinbefore set forth, to use or occupy the said premises No.1107 West Franklin Street.

3rd: That a preliminary injunction may issue.

4th: That your orators may have such other and further relief as their case may require.

May it please your Honor to grant unto your orators the writ of subpoena directed to the said Frederick I.Scott, residing at No.558 W. Presstman Street; Henry Johnson residing at No.1107 West Franklin Street, and Ellen J. Sheckells residing at No.2213 N.Charles Street, in the City of Baltimore,State of Maryland, commanding them to be and appear in this court on some day certain to be named therein and to abide by and perform such decree as may be passed in the premises.

And as in duty bound,etc.,

John A. Kersey
Sol'r. for Complainants

STATE OF MARYLAND: CITY OF BALTIMORE: SS:-

I HEREBY CERTIFY that on this 7th day of January, 1926, before me,the subscriber, a Notary Public of the State of Maryland, in and for the City of Baltimore aforesaid,personally appeared Mary E. Dowd, one of the plaintiffs, and made oath in due form of law that the matters and facts set forth in the foregoing Bill of Complaint are correct and true to the best of her knowledge,information and belief.

AS WITNESS my hand and Notarial Seal.

Joseph M. Hasselhoff
Notary Public

8 113

4 **Ct. Ct. No. 2**

192 6 A 35

Docket No.

Dowd et al

vs.

Scott et al

**Subpoena to Answer Bill of Complaint**

Pa + O&C

No. 15101 A

(3) (4)

Copy 3 = lodged (3)
Copy 4 lodged (1)

Filed 11 January, 192 6

Jno H Massey
Solicitor.

To 15 January 1926

Summoned Henry Johnson and a copy of the Process with a copy of the Bill of Complaint left with the defendant. Also summoned Ellen J. Sekerkello and a copy of the Process with a copy of the Process with a copy of the Bill of Complaint left with the defendant. Not so to Frederick J. Scott.

John E. Potts
Sheriff

(Keene) 1/9/26
(Moracy) 1/8/26

Fees $2.60

11 - Jury 6
Fdy 6
John Pleasants

Summoned Frederick J. Scott and a copy of the Process with a copy of the Bill of Complaint served on the defendant on the 13th day of January 1926 in presence of August T. Bichy

John E. Potts
Sheriff

Fee $1.50

EQUITY SUBPOENA

# The State of Maryland

To

Frederick J. Scott 558 W Pressman

Henry Johnson 1-9-26 #13 1107 W. Franklin St.

Ellen J. Scheckells. 1/5/26 (19) 2213 N. Charles St

of Baltimore City, Greeting:

**WE COMMAND AND ENJOIN YOU,** That all excuses set aside, you do within the time limited by law, beginning on the second Monday of January, next, cause an appearance to be entered for you, and your Answer to be filed to the Complaint of

Mary E. Dowd. etal

against you exhibited in the CIRCUIT COURT NO. 2 OF BALTIMORE CITY.

**HEREOF** fail not, as you will answer the contrary at your peril:

**WITNESS,** the Honorable JAMES P. GORTER, Chief Judge of the Supreme Bench of Baltimore City, the 9 day of November, 1925

Issued the 7 day of January, in the year 1926

John Leonards
*Clerk.*

MEMORANDUM:

You are required to file your Answer or other defence in the Clerk's Office, Room No. 235, in the Court House, Baltimore City, within fifteen days after the return day. (General Equity Rule 11.)

# Ct. Ct. No. 2.

1926 No. Docket.

MARY E. DOWD, ET AL

vs.

FREDERICK I. SCOTT, ET AL.

## ORDER FOR INJUNCTION

No. 15101 A

4

Copy Sent & lapsed

Filed 7 January, 1926

MARY E. DOWD; AGNES R. DOWD; KATHARINE DOWD, and LORETTE DOWD, and the LAFAYETTE SQUARE PROTECTIVE ASSOCIATION, a corporation

Plaintiffs.

vs.

FREDERICK I. SCOTT and HENRY JOHNSON and

ELLEN J. SHECKELLS

Defendants.

IN THE

# Circuit Court No. 2

OF

BALTIMORE CITY.

November Term 1926

On the foregoing Bill and Petition it is this 4th day of January, 1926, ordered that a Writ of Injunction be issued as prayed in said Bill, upon the filing of a bond by the Plaintiff in the penalty of One Thousand ($1,000.00) Dollars, with security, to be approved by the Clerk of this Court. But liberty is hereby reserved to the Defendant to move for the rescinding of this order, and for a dissolution of the Injunction to be issued as aforesaid, at any time after filing answers to said Bill, on giving the Plaintiff five days' previous notice of such motion, and the Clerk is hereby directed to annex a copy of this order to the Writ of Injunction.

Robert F. Stanton

I HEREBY CERTIFY, That the above is a true copy of the order directing injunction to issue, passed by the Circuit Court No. 2 of Baltimore City, in the said cause, and that the Plaintiff therein named has filed an approved bond as by the terms of said order required.

**In Testimony Whereof,** I hereunto set my hand and affix the seal of the said Circuit Court No. 2 of Baltimore City, this ..... day of ..... in the year of our Lord one thousand nine hundred and

.....

.....

Clerk.

P109

Circuit Court No. 2

46 A 35

192 6 No. Docket

Dowd et al

vs.

Scott et al

Injunction

3 Copies Dy + 1 Order

No. 15101 A
6

Copy 3 - Copied (3)

Filed 11 - January 192 6

Fred Hessey
11-13-19

Injunction and Copy and Copy of Order of Court recorded on Henry Johnson on the 9th day of January, 1926 at 6 30 o'clock P. M. in the records of James G. Keene. Also Injunction and Copy served on Ellen J. Schickells on the 8th day of January, 1926 at 5 30 o'clock P. M., in the presence of Charles M. Dorsey. Non Est as to Patrick J. Scott.

Fees $7.90

John E. Foster
Sheriff

**MARYLAND, Sct.**

# THE STATE OF MARYLAND

To Frederick V. Scott
Henry Johnson and
Ellen J. Scheckells, of
Baltimore City

1-9-26 at 6.20 P.M. #12
1/9/26 - 5.30 P.M.
(191)

GREETING:

**Whereas,** Mary E. Dowd et al

has exhibited to us in our CIRCUIT COURT No. 2 OF BALTIMORE CITY their Bill of complaint for relief in Equity, and for AN INJUNCTION to restrain you the said Henry Johnson from using or occupying the premises No 1107 N. Franklin St. and also you the said Frederick V. Scott and Ellen J. Scheckells you and each of your heirs personal representatives and assigns servants, agents and employees from authorizing or permitting the said Henry Johnson, or any of your family, or any negro or negroes or person or persons of African decent, contrary to the portions of the agreement, mentioned in the Bill of Complaint to use or occupy said premises No 1107 East Franklin Street

until the matter can be heard and determined in equity.

*Now, Therefore,* these are to COMMAND and strictly to ENJOIN and PROHIBIT you, the said Frederick V. Scott Henry Johnson and Ellen J. Scheckells you and each of you Servants Agents and employees from doing as above recited

until the further order of our said Court in the premises.

**Witness** the Honorable, JAMES P. GORTER, Chief Judge of the Supreme Bench of Baltimore City, the 4 day of November 1925

ISSUED the 8 day of January 1926

John C. Pleasants
*Clerk.*

# Circuit Court No. 2

4

1926 A No. 35 Docket

Dowd et al

*vs.*

Scott et al

## Injunction

Coby

No.

*Filed* ..... 192

MARYLAND, Sct.

# THE STATE OF MARYLAND

To Frederick T. Scott
of Baltimore City

GREETING:

**Whereas,** Mary E. Dowd et al

has exhibited to us in our CIRCUIT COURT No. 2 OF BALTIMORE CITY their Bill of complaint for relief in Equity, and for AN INJUNCTION to restrain you the said Henry Johnson from using or occupying the premises No 1107 W. Franklin St and also you the said Frederick T. Scott and Ellen J. Sheckells you and each of your heirs personal representatives and assigns Servants agents and employes from authorizing or permitting the said Henry Johnson, or any of your family, or any negro or negroes or person or persons of African decent, contrary to the portions of the agreement mentioned in the Bill of Complaint to use or occupy said premises No 1107 West Franklin Street

until the matter can be heard and determined in equity.

*Now, Therefore,* these are to COMMAND and strictly to ENJOIN and PROHIBIT you, the said Frederick T. Scott, Henry Johnson and Ellen J. Sheckells you and each of your Servants Agents & employers from doing as above recited

until the further order of our said Court in the premises.

**Witness** the Honorable, JAMES P. GORTER, Chief Judge of the Supreme Bench of Baltimore City, the 9 day of November 1925

ISSUED the 8 day of January 1926

John Pleasants
Clerk.

TRUE CO

John Pleasants

Serve on Defendants

In the Circuit Court
No.2 of Baltimore City

33A 4 1926

MARY E. DOWD, et al,

Plaintiffs

-vs-.

22/32 Charles

FREDERICK I.SCOTT, et al,

Defendants.

Order 18 January 1926

Petition for attachment
for contempt

Mr.Clerk:-

Please file.

John D. Hessey
Atty. for Plaintiffs

No 15101 A
8

Copy 3 = Copied 3

MUSGRAVE, BOWLING & HESSEY
SUITE 1520 FIDELITY BUILDING
BALTIMORE

18 January 1926

11-13-19

Copy of the within Petition and Order of Court served on Frederick I. Scott on the 18th day of January, 1926, in the presence of Joseph Lyett. Also copy of the within Petition and Order of Court served on Henry Johnson on the 20th day of January, 1926 in the presence of James E. Reese. Also copy of the within Petition and Order of Court served on Ellen J. Scholl on the 19th day of January, 1926, in the presence of Charles W. Drury.

Fee $1.50

John C. Potee
Sheriff

MARY E. DOWD; AGNES R.DOWD, :
KATHARINE DOWD, and LORETTA DOWD, IN THE
and the LAFAYETTE SQUARE PROTECTIVE :
ASSOCIATION, a corporation CIRCUIT COURT NO.2
Plaintiffs :
vs. O F
558 Freedman St 1107 W. Franklin St :
1/18/26 FREDERICK I. SCOTT and HENRY JOHNSON 1-20-26 #13 BALTIMORE CITY.
1/19/26 and ELLEN J. SHECKELLS, 2213 Charles St :
Defendants. :
::::::::::::::

TO THE HONORABLE, THE JUDGE OF SAID COURT:

The petition of Mary E. Dowd, Agnes R. Dowd, Katharine Dowd, and Loretta Dowd, and the Lafayette Square Protective Association, a corporation, respectfully represents unto your Honor:

FIRST: That your petitioners filed in this cause on January 7, 1926 a bill of complaint praying that a writ of injunction be issued restraining the defendant Henry Johnson from occupying the property No. 1107 West Franklin Street, and also praying that the defendants Frederick I. Scott and Ellen J. Sheckells be restrained from authorizing or permitting said Henry Johnson from occupying the said premises No.1107 W. Franklin Street; that upon said bill of complaint the Honorable Robert F. Stanton passed an order that the writ of injunction be issued as prayed in said bill upon the filing of a bond by the plaintiff in the penalty of One thousand dollars, and that on January 8,1926 a duly approved bond was filed with the clerk of this Honorable Court, whereupon the injunction was issued as prayed.

SECOND: That the defendants are still violating said injunction and have not complied with the terms thereof, in that the said Henry Johnson is still occupying the premises No.1107 West Franklin Street, and the defendants Frederick I. Scott and Ellen J. Sheckells are

still permitting the said Henry Johnson to remain in said premises contrary to the writ of injunction granted by this court.

WHEREFORE your petitioners pray this Honorable Court to adjudge the defendants in contempt of court.

AND as in duty bound, etc.,

John A. Hessey
Attorney for Petitioners

STATE OF MARYLAND: CITY OF BALTIMORE: ss:-

I HEREBY CERTIFY, that on this 18th day of January, 1926 before me, the subscriber, a Notary Public of the State of Maryland, in and for the City of Baltimore aforesaid, personally appeared Robert L. Reamy, President of the Lafayette Square Protective Association, a corporation, and made oath in due form of law that the matters and facts set forth in the foregoing petition are correct and true to the best of his knowledge, information and belief.

AS WITNESS my hand and Notarial Seal.

James Demedeffu
Notary Public

ORDERED, this 18 day of January, 1926, by the Circuit Court No. 2 of Baltimore City, ~~that~~ upon the foregoing petition and affidavit the defendants be adjudged in contempt of court, unless cause to the contrary be shown, on or before the 22d day of January, 1926, provided a copy of this petition and order be served upon the defendants on or before the 20th day of January, 1926.

Duke Bond

35 A 4/1926

IN THE CIRCUIT COURT NO. 2
OF
BALTIMORE CITY

MARY E. LOWD, et al

vs.

FREDERICK I. SCOTT,
et al,

ANSWER

No 15101 A

(9)

Mr. Clerk:-

Please file.

Armstrong Machen & Allen

Solicitors for Respondent.


ARMSTRONG, MACHEN & ALLEN
ATTORNEYS AND COUNSELLORS AT LAW
1207-1221 CALVERT BUILDING
BALTIMORE, MD.


11 January 1926

| | | |
|---|---|---|
| MARY E. DOWD, AGNES R. DOWD, KATHARINE DOWD and LORETTA DOWD, and the LAFAYETTE SQUARE PROTECTIVE ASSOCIATION, a corporation, Plaintiffs, | : | IN THE CIRCUIT COURT NO. 2 |
| vs. | : | OF |
| FREDERICK I. SCOTT and HENRY JOHNSON and ELLEN J. SHECKELLS, Defendants. | : | BALTIMORE CITY |

: - : - : - : - :

TO THE HONORABLE, THE JUDGE OF THE CIRCUIT COURT NO. 2 OF BALTIMORE CITY:-

The Answer of Ellen J. Sheckells, one of the defendants herein, to the Petition of Mary E. Dowd, Agnes R. Dowd, Katharine Dowd and Loretta Dowd, and the Lafayette Square Protective Association, a body corporate, heretofore filed against her and others, answering the said Petition and also showing cause why the Order of this Honorable Court passed thereon adjudging this defendant in contempt of Court, should not be made absolute.

This Respondent, answering, says:-

1st. She admits the allegations contained in the first paragraph of the said Petition.

2nd. She admits that the said Henry Johnson is still occupying the premises known as No. 1107 West Franklin Street, but she denies that she ever authorized or is now authorizing, or that she ever permitted or is now permitting, the said Henry Johnson to occupy or use the said premises, but says that on the 23rd day of December, 1925, she made a lease of the said premises for the term of ninety-nine years renewable forever, as it was then and there her lawful right so to do, and that since then and since the issuance of said injunction she has had a mere reversion-

ary interest in the said property, which she is advised is in substance a mere security or mortgagee's interest to secure the balance of the purchase price of said property, and that by said act of leasing parted with all possession, occupancy, and control of the said premises. By virtue of her sale of the said leasehold interest she has not since that date, nor since the date of the issuance of the injunction herein, had any power or legal right whatsoever to manage, control or interfere with the use and occupancy of the said premises by any person or persons whatsoever, nor has she done so. And that she has at all times since the issuance of said writ of injunction been fully and completely obedient thereto, and that if the said writ of injunction has been violated by anyone by reason of the occupancy of the said Henry Johnson of the said premises, or in any other way, it has been wholly without the aid or connivance of this respondent.

AND HAVING fully answered the said Petition and having fully showed cause unto this Honorable Court pursuant to the said Order passed thereon, this Respondent prays that the said Petition may be dismissed and the said Order of this Honorable Court thereon discharged.

AND AS IN DUTY BOUND.

Ellen J. Sheckells.
Respondent.

Armstrong Machen & Allen
Solicitors for Respondent.

STATE OF MARYLAND, CITY OF BALTIMORE, to wit:

I HEREBY CERTIFY that on this 20th day of January, 1926, before me, the subscriber, a Notary Public of the State of Maryland, in and for Baltimore County, personally appeared Ellen J. Sheckells, one of the Defendants herein, and made oath in due form of law that the matters and facts set forth in the foregoing Answer are true.

AS WITNESS my hand and Notarial Seal.

Margaret E. Bladen
Notary Public.

IN THE CIRCUIT COURT NO.2

OF 35A 4 1926

BALTIMORE CITY.

MARY E. DOWD, et al

VS.

FREDERICK I.SCOTT, et al

RESPONDENT'S ANSWER

Mr.Clerk:-

Please file.

No 15701A

(10)

Davis & Evans

ATTORNEYS FOR RESPONDENT.

J. STEWARD DAVIS
ATTORNEY AT LAW
215 SAINT PAUL PLACE
BALTIMORE, MD.

22 January 1926

BAUMGARTEN & CO., INC.

| | | |
|---|---|---|
| MARY E. DOWD,<br>AGNES R.DOWD,<br>KATHERINE DOWD,<br>LORETTA DOWD and<br>THE LAFAYETTE<br>SQUARE PROTECTIVE<br>ASSOCIATION, a<br>corporation | : | IN THE CIRCUIT COURT NO.2 |
| VS. | : | OF |
| FREDERICK I. SCOTT,<br>HENRY JOHNSON and<br>ELLEN J.SHEKELS | : | BALTIMORE CITY. |

TO THE HONORABLE ,THE JUDGE OF SAID COURT:

Your respondent,Frederick I.Scott in answer to the order of this Honorable Court to show cause why he should not be adjudged in contempt in not complying with the order of this Honorable Court of the 8 day of January 1926 respectfully says:

I. That he was under the erroneous impression that the fact that this case was being contested by one of the other defendants relieved him of any responsibility.

2. He has been advised by Counsel that the information as to his responsibility is incorrect and has already notified Henry Johnson, the co-defendant and occupant of II07 W.Franklin St., to vacate the premises immediately.

Weis + Evans

ATTORNEYS FOR RESPONDENT.

STATE OF MARYLAND, BALTIMORE CITY, to wit:-

I HEREBY CERTIFY, that on this 22nd day of January, in the year one thousand nine hundred and twenty five, before me, the subscriber, a Notary Public of the State of Maryland, in and for the City of Baltimore aforesaid, personally appeared Frederick I. Scott and made oath in due form of law that the matters and facts in the foregoing answer are true as therein stated.

AS WITNESS my hand and Notarial Seal.

Helen C. Fisher
NOTARY PUBLIC.

Cir. Ct. No. 2

4
192 6 Docket No. 35 A

Mary E. Dowd
et al

vs.

Frederick J. Scott
et al

# MOTION FOR HEARING

No. 15101 A
11

Filed 25 January 192 6

Mary E. Dowd
et al

vs.

Frederick Scott
et al

IN THE

# Circuit Court No. 2

OF

BALTIMORE CITY

The Plaintiffs by Johns. Hessey, their Solicitor, applies to have the above entitled cause placed in the Trial Calendar for hearing on petition for attachment for contempt and answer thereto

In conformity with the First Equity Rule.

Johns. Hessey
Solicitor for Plaintiffs.

Serve on
Davis & Evans. 215 St Paul
Armstrong Machen 1219 Calvert
& Allen
Solrs.
Service admitted Jan 25 1926
Armstrong Machen & Allen
Davis & Evans
1-25-26.

15701 A

94

33

H A

Cir. Ct. No. 2

192 6 Docket No. 33

Dowd.

vs.

Scott

et al

NOTICE AS TO HEARING

(2)

No. 15101 A
12

Copy & Respect &

Filed 25 January, 1926

H

Copy of the within Notice received on Davis & Evans and Armstrong, Machen and Allen, Solicitors on the 25th day of January, 1926, in the presence of Louis Hecht.

John F. Potee
Sheriff

Fee $1.00

J. H. Kelsey

Mary E Dorsey et al
vs.
Frederick L Scott et al

IN THE

# CIRCUIT COURT, No. 2

OF

BALTIMORE CITY.

Upon application made by the Solicitor for the Plaintiff

the above entitled cause has been placed upon the Trial Calendar in accordance with the provisions

of the First Equity Rule, and the same will stand for hearing on

Petition for attachment for contempt & Answer thereto

Hearing Friday Jan 29 - 1926

@ 10 AM

when reached in due course on the said calendar.

JOHN PLEASANTS,

Clerk Circuit Court No. 2.

35A 4/1926

IN THE
CIRCUIT COURT NO. 2
OF
BALTIMORE CITY

MARY E. DOWD; AGNES R. DOWD; KATHARINA DOWD; and LORETTA DOWD; and the LAFAYETTE SQUARE PROTECTIVE ASSOCIATION, a corporation, Plaintiffs,

vs.

FREDERICK I. SCOTT and HENRY JOHNSON and ELLEN J. SHECKELLS, Defendants.

ANSWER OF

ELLEN J. SHECKELLS.

No 15101 A

Mr. Clerk:- (13)

Please file.

Armstrong Machen & Allen
Solicitors for respondent,
Ellen J. Sheckells.

ARMSTRONG, MACHEN & ALLEN
ATTORNEYS AND COUNSELLORS AT LAW
1207-1221 CALVERT BUILDING
BALTIMORE, MD.

Filed 26 January 1926

| | | |
|---|---|---|
| MARY E. DOWD; AGNES R. DOWD; KATHARINE DOWD; and LORETTA DOWD; and the LAFAYETTE SQUARE PROTECTIVE ASSOCIATION, a corporation, Plaintiffs, | : | IN THE CIRCUIT COURT NO. 2 |
| vs. | : | OF |
| FREDERICK I. SCOTT and HENRY JOHNSON and ELLEN J. SHECKELLS, Defendants. | : | BALTIMORE CITY. |

: - : - : - : - : - :

TO THE HONORABLE, THE JUDGE OF SAID COURT:

The Answer of Ellen J. Sheckells, one of the defendants in the above entitled cause, to the Bill of Complaint, heretofore exhibited against her and others, respectfully shows:

1. Your respondent, Ellen J. Sheckells, admits the allegations of the first paragraph of the Bill of Complaint.

2. Your respondent admits the allegations of the second paragraph of the Bill of Complaint.

3. Your respondent, in answering the third paragraph of the bill of complaint, admits the execution of the lease and the assignment therein referred to, and further admits that the said agreement therein referred to as Plaintiffs' Exhibit A was signed by this respondent, but your respondent seriously doubts the constitutionality of said agreement. That the said Frederick I. Scott in purchasing said property was fully aware of the contents of said agreement, which had been duly recorded among the Land Records of Baltimore City. That said agreement did not prohibit any of the signatory parties from <u>selling</u> their properties to a negro, nor did said agreement prohibit a negro from <u>owning</u> property in said block. Said agreement simply prohibited <u>occupation or use</u> by a negro.

4. Answering the fourth paragraph, your respondent

neither admits nor denies the allegations thereof, and says that she is not interested in, and can not be held responsible for, the use to which Frederick I. Scott has put or may put said premises. That in selling said property your respondent has no further control over the use and occupation of said premises. That since the date of said sale your respondent has had no power or legal right whatever to manage, control or interfere with the use and occupancy of said premises by any person or persons whatsoever, nor has she done so. That your respondent has no power or right to interfere with or to control Frederick I. Scott in his choice of either a colored tenant or a white tenant as the occupant of said building.

5. Your respondent neither admits nor denies the allegations in the fifth paragraph, but demands strict proof thereof.

6. Your respondent denies that she has violated said agreement to the detriment of the plaintiffs, and says that nothing in said agreement prohibited your respondent from selling said property to a negro.

AND HAVING FULLY ANSWERED the Bill of Complaint your respondent prays to be hence dismissed with her proper costs.

AND AS IN DUTY BOUND.

Armstrong Macken Allen
Solicitors for respondent,
Ellen J. Sheckells.

Ellen J. Sheckells.
Respondent.

STATE OF MARYLAND, BALTIMORE CITY, to wit:

I HEREBY CERTIFY that on this 26th day of January, 1926, before me, the subscriber, a Notary Public of the State of Maryland, in and for Baltimore County, personally appeared Ellen J. Sheckells, the respondent in the aforegoing Answer, and she made oath in due form of law that the matters and facts therein set forth are true as therein stated to the best of her knowledge, information and belief.

WITNESS my hand and Notarial Seal.

Margaret E. Bladen

4
1926

35 A.

In the
Circuit Court No. 2
of
Baltimore City.

---

Mary E. Dowd; Agnes R. Dowd; Katherine Dowd; and Loretta Dowd, and the Lafayette Square Protective Association, a corporation,
Plaintiffs.

vs.

Frederick I. Scott and Henry Johnson and Ellen J. Sheckells
Defendants.

---

Separate Answer.

---

Mr. Clerk;
Please file.

N. Robie Hawkins
Solicitor for Respondent.

No. 13121 a
1H

---

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

9th January 1926

CORD COMPANY
more, Md.

| | | |
|---|---|---|
| Mary E. Dowd; Agnes R. Dowd; Katherine Dowd, and Loretta Dowd, and the Lafayette Square Protective Association, a corporation, Plaintiffs | ) | In the |
| vs. | ) | Circuit Court No. 2 |
| Frederick I. Scott and Henry Johnson and Ellen J. Sheckells, Defendants. | ) | of Baltimore City. |

To the Honorable, the Judge of said Court:

The separate Answer of Henry Johnson to the Bill of Complaint against him and others in this Honorable Court exhibited, and answering the Petition requiring him to show cause why the Order of this Honorable Court passed therein adjudging him in contempt of Court should not be made absolute.

First:

That he has no knowledge of the facts and circumstances alleged in the first, second and third paragraphs of said Bill of Complaint, and can, therefore, neither deny of affirm them, but puts the plaintiffs to the strict proof thereof.

Second:

That he admits the facts and circumstances alleged in paragraph No. 4 of said Bill of Complaint as far as they may refer to your respondents occupancy of the premises described therein, and as to his racial connections, but as to whatever restrictions there may be on said property he is not advised, and in his ignorance of any such restrictions or encumbrances as they may affect his occupancy as aforesaid, he did no more nor less in securing said premises for a home for himself and family than he has heretofore done in renting or leasing property for such a purpose.

Third:

That your respondent having no knowledge whatever of any loss or damage to which said property is to be subjected by the occupancy of himself, his family or other persons of African descent,as alleged

in paragraph No. 4 of said Bill of Complaint, but he avers and alleges that he and his family are decent, self respecting people, and they have conducted themselves with decency and propriety wherever they have lived, and this will be their deportment if they are allowed to remain here where they have paid their rent, and expect, if permitted, to continue to do.

Fourth:

Your respondent having no knowledge whatever of the allegations in the sixth paragraph of said Bill of Complaint neither affirms nor denies them, but puts plaintiffs' to the strict proof thereof.

Fifth:

Further answering said Bill of Complaint and the Petition for contempt in disobeying the Order of this Honorable Court your respondent avers that nothing could have been further from his mind than violating the injunction aforesaid, believing as he did that whatever rights or obligations he had in the matter would be cared for by his superiors in the title to the property mentioned in these proceedings, and for this reason he asks the indulgence of this Honorable Court.

Having fully answered said Bill of Complaint and the Petition as aforesaid, your respondent prays to be hence dismissed with his costs.

And as in duty bound, etc.

W. Ashby Hawkins
Solicitor for Respondent.

Henry his X mark Johnson
Respondent.

Test: Truly Hatchett
Littleton B. Gamby

IN THE CIRCUIT COURT NO.2

OF 64

BALTIMORE CITY. 1926

MARY E. DOWD, et al

VS.

FREDERICK I. SCOTT, et al

Demurrer

Mr. Clerk:-

Please file.

No. 15101

Davis & Evans

ATTORNEYS FOR FREDERICK I. SCOTT,

Service of copy admitted
John H. Hessey, Jr.
Jan. 26. 1926

J. STEWARD DAVIS
ATTORNEY AT LAW
215 SAINT PAUL PLACE
BALTIMORE, MD.

January, 19

BAUMGARTEN & CO., INC.

| | | |
|---|---|---|
| MARY E.DOWD,<br>AGNES R.DOWD,<br>KATHERINE DOWD,<br>LORETTA DOWD and<br>THE LAFAYETTE<br>SQUARE PROTECTIVE<br>ASSOCIATION, a<br>Corporation | :<br><br><br><br><br>: | IN THE CIRCUIT COURT NO.2<br><br><br><br><br>OF |
| VS. | | |
| FREDERICK I.SCOTT,<br>HENRY JOHNSON and<br>ELLEN SHEKELS | : | BALTIMORE CITY. |

The defendant,Frederick I.Scott by his attorneys, Davis and Evans demurs to the plaintiffs' bill and for cause of demurrer shows:

I. That the plaintiffs have not stated in their bill such a case as entitles them to any relief in equity against the defendant.

2. That the plaintiffs' bill is bad in substance and in law.

Davis & Evans
SOLICITORS FOR DEFENDANT.

STATE OF MARYLAND,BALTIMORE CITY, to wit:-

I HEREBY CERTIFY, that on this 25th day of January, in the year one thousand nine hundred and twenty six, before me, the subscriber, a Notary Public of the State of Maryland, in and for the City of Baltimore aforesaid, personally appeared Frederick I.Scott, defendant in the above case and made oath in due form of law that the demurrer filed by him therein is not entitled for delay.

AS WITNESS my hand and Notarial Seal.

Helen C. Fisher
NOTARY PUBLIC.

15101

Cir. Ct. No. 2.

1926 D. No. 35a

Dowd et al

vs

Scott et al.

Attachment in Equity.

No. 15101a

15 1/2

Filed 5th day of February 1926

13

2/5/26 "Attached" John E. Potts Sheriff.

Sheriff's Costs $1.00

Sheriff's Costs 2.00

$3.00

Paid 2/5/1926

E.P.

(ATTACHMENT IN EQUITY.)

MARYLAND, Sc.

# The State of Maryland.

*To the Sheriff of Baltimore City, Greeting:*

YOU ARE HEREBY COMMANDED, that you attach the body of Henry Johnson

(1107 W. Franklin St.)

if he shall be found in your bailiwick, and him safe keep, so that you have him before the Judge of the Circuit Court No. 2 of Baltimore City, at the Court House in the same city, on the 5th day in February 1926, to answer as well touching a certain contempt by him committed in not obeying the injunction of this Court issued in the case of Mary E. Dowd et al vs Frederick S. Scott, Henry Johnson et al

as well as to such other matters and things as shall be then and there alleged against him

Hereof fail not, as you will answer the contrary at your peril.

WITNESS, The Honorable ~~MORRIS A. SOPER,~~ James P. Gorter Chief Judge of the Supreme Bench of Baltimore City, the 11th day of January 1926.

Issued the 5th day of February 1926.

John Pleasants Clerk.

Let the attachment issue in this case,

Duncan Bond

# Circuit Court No. 2.

4
1926 Docket No.

Mary E Dowd

vs.

Frederick J Scott
et al

## COMMITMENT.

No 15101 A
Copy 16
Copied

Fd. 5 February, 1926

2/5/1926 Capias - In Jail.
John E. Yates
Sheriff.

Mary E. Dowd et al

vs.

Frederick J Scott and Henry Johnson et al

IN THE

**Circuit Court No. 2**

OF

BALTIMORE CITY.

The Defendant, Henry Johnson, having been brought before the Court under the writ of attachment heretofore issued against him, as for a contempt, for his non-compliance with the ~~order~~ injunction of this Court ~~passed Conditionally on the ..... day of ....., 19..., and made final on the ..... day of ....., 19...,~~ issued on January 8, 1926, and served on said defendant on Jan. 9th, 1926, and it appearing that said defendant has deliberately failed and refused ~~to~~ comply with said injunction and is ~~till~~ in contempt for his non-compliance therewith, the Court being satisfied from the proof in the cause that he is able to comply with the said order; it is this 5th day of February, 1926, ORDERED, by the authority of the Circuit Court No. 2 of Baltimore City, that the said Henry Johnson pay the Costs of the attachment and stand committed to the custody of the Warden of the Jail of Baltimore City until he shall have purged the contempt by his compliance with the said ~~order~~ injunction, and that the Sheriff of Baltimore City deliver the body of the said Henry Johnson to the said Warden, together with a copy of this order to be furnished by the Clerk of this Court.

Duke Bond

4

Cir. Ct. No. 2.

1912 6

D. No. 35 a

Dowd et al

vs

Scott et al.

Attachment in Equity.

No. 15191 a

14

Countermanded

Filed ..... day of ..... 191

(ATTACHMENT IN EQUITY.)

MARYLAND, Sc.

# The State of Maryland.

*To the Sheriff of Baltimore City, Greeting:*

YOU ARE HEREBY COMMANDED, that you attach the bod of Ruley Hatchett

Geo N. Eitard
Residence 2026 Druid Hill

if he shall be found in your bailiwick, and him safe keep, so that you have him before the Judge of the Circuit Court No. 2 of Baltimore City, at the Court House in the same city, on the 8th day in February 1926, to answer as well touching a certain contempt by him committed in not responding to a summons to appear before said Court

as well as to such other matters and things as shall be then and there alleged against him

Hereof fail not, as you will answer the contrary at your peril.

WITNESS, The Honorable ~~MORRIS A. SOPER~~ JAMES P. GORTER, Chief Judge of the Supreme Bench of Baltimore City, the 11th day of January 1926

Issued the 8th day of February 1926

John Pleasants Clerk.

Let an Attachment issue in this Case
8th February, 1926.
Fee & Bond

Copy of the within Order of Court served on Harry C. Martin, Warden of the Baltimore City Jail on the 8th day of February, 1926, in the presence of James E. Keene.

John E. Potee
Sheriff

Fees $0.50

Mary Ford
et al
Vs.
Frederick L. Scott &
Henry Johnson,

In the
Circuit Court No.2
of Baltimore City

Ordered by the Circuit Court No.2 of Baltimore this 8th day of

February, 1926

That the Warden of the Baltimore City Jail, deliver to the Sheriff of

Baltimore City, the body of Henry Johnson

and the said Sheriff produce the said Henry Johnson

in this Court on the 8th day of February

1926 at 10 o'clock A. M. or as soon thereafter as practicable.

Duke Bond
Judge.

Circuit Court No 2

35A-4-1926

Mary E. Bond
Esq
vs.
Frederick J. Scott and
Henry Johnson
Esq

Order of Court
Releasing Henry
Johnson from Jail

No 15101 A
(14)
Copy

A. J. February 1926

Mary E. Dowd
etal

Vs.

Frederick J. Scott and
Henry Johnson

In the
Circuit Court No. 2
of Baltimore City.

Ordered by the Circuit Court No.2 of Baltimore City this 8th day of February 1926

That Henry Johnson

be and he is hereby ordered released from the custody of the Warden of the Baltimore City Jail, he having purged himself of the contempt against him charged.

Duncan Bond
Judge

35A 4/1126 35A 4/1126

IN THE
CIRCUIT COURT NO. 2
OF
BALTIMORE CITY

MARY E. DOWD, et al
Plaintiff

vs.

FREDERICK I. SCOTT, et al
Defendant

PETITION.

Mr. Clerk:

Please file.

John T. Hessey
Solicitor for Petitioner.

No 15101 a

1207

MUSGRAV[illegible] BOWLING & HESSEY
SUITE [illegible] DELITY BUILDING
[illegible]RE

| | | |
|---|---|---|
| MARY E. DOWD, et al, | : | |
| Plaintiff | : | IN THE |
| | | CIRCUIT COURT NO. 2 |
| vs. | : | OF |
| FREDERICK I. SCOTT, et al | : | BALTIMORE CITY |
| Defendant | : | |

::: ::::: :::

TO THE HONORABLE, THE JUDGE OF SAID COURT:

The petition of MARY E. DOWD, respectfully represents:

That she was one of the complainants in the bill filed in the above cause and upon which an injunction was issued and which has never been dissolved and that she is now about to file another bill of complaint against a certain John Mackey and Alice Mackey, his wife and Joseph Gerlach in this Court, asking for the same relief as was prayed for in the bill filed in this cause and that it is necessary to file with the said bill of complaint, certified copy of an agreement entered into between the said Mary E. Dowd and others, which certified copy was filed in this cause. And as she is about to file another bill in the said Court she respectfully asks that she be permitted to withdraw the certified copy of said agreement and file same in the suit now about to be instituted.

WHEREFORE, your Petitioner prays your Honor to pass an order permitting her to withdraw said agreement and file same.

AND, as in duty bound, etc.

John Hessey

Solicitor for Petitioner.

ORDERED, by the Circuit Court No. 2 of Baltimore City, this 16th day of February, 1927, the aforegoing petition that the Petitioner be permitted to withdraw certified copy of agreement between Mary E. Dowd and others, which agreement was filed in this cause and she is hereby authorized and directed to file the same as an exhibit in the case of Mary E. Dowd, et al, vs. John Mackey, et al, about to be filed in this Court.

James P. Forler

In the
Circuit Court No. 2 of Baltimore
City.

No. 35 A, folio 4

464

MARY E. DOWD,

ET AL.

VS.

FREDERICK I. SCOTT,

ET AL.

PETITION OF FREDERICK I. SCOTT

MR. CLERK:-

Please file.

Charles B. Bosley
Solicitor for Petitioner.

No 15101 a

21

CHARLES B. BOSLEY
Attorney at Law
16 E. Lexington St.,
Baltimore, Md.

fd 13 Sept 1930

| | | |
|---|---|---|
| MARY E. DOWD, | : | In the |
| ET AL. | : | Circuit Court No. 2 of Baltimore |
| VS. | : | City. |
| FREDERICK I. SCOTT, | : | No. 35 A, folio 4 |
| ET AL. | : | |

TO THE HONORABLE, THE JUDGE OF SAID COURT:

THE PETITION of Frederick I. Scott, one of the defendants in the above entitled cause, respectfully shows:

1st. That the Bill of Complaint filed in this cause recites that the plaintiffs, together with a large number of owners of property in the 1100 block West Franklin Street, executed a certain agreement dated February 16th, 1925, providing that none of their properties "should at any time be occupied or used by any negro or negroes" x x x "except negroes might be employed as servants;" the Bill of Complaint further recited that the defendant, Frederick I. Scott, had rented premises No. 1107 West Franklin Street, to one Henry Johnson, a colored person, and prayed that a preliminary injunction may issue.

2nd. That on January 6th, 1926, his Honor Judge Duke Bond, signed an order enjoining your Petitioner from occupying, or permitting any person of negro descent, to occupy------said premises, which said order is still in effect.

3rd. That the Bill of Complaint filed in the case All Saints Evangelical Lutheran Church of Baltimore City, et al. vs. George D. Ahrling, et al. filed in this Court, Docket 38 A, folio 51, recited said agreement, which was filed as an exhibit, and prayed that the same be annulled and set aside; that on January 3rd, 1930, his Honor, Judge Frank, signed a decree in said last mentioned cause by which said agreement was declared null, void, and of no binding legal force, or effect; that said decree further provided that neither of the properties therein mentioned, nor any present or future owners thereof are in any manner bound by the restrictions therein sought to be imposed, upon the properties therein mentioned; that your Petitioner is advised that he would be in contempt of Court, if he occupied, or permitted any

person of negro descent to occupy said premises until said injunction is dissolved, even though the aforementioned agreement has been declared of no force and effect by this Honorable Court.

WHEREFORE your Petitioner prays that the said injunction be dissolved.

AND AS IN DUTY BOUND, ETC.,

Charles B Bosley
Solicitor.

F.I.S. Frederick I. Scott
Petitioner.

The papers in this case, and the case therein referred to, having been read and considered, it is thereupon this 13th day of September, 1930, by the Circuit Court No. 2 of Baltimore City, ADJUDGED AND ORDERED that the injunction heretofore issued in this case be, and the same is hereby, dissolved.

George A Solter